

BX 8999 .N5 P7 1852
Presbyterian Church in the
U.S.A. Synod of New York
A history of the division of
the Presbyterian church in

Jos. Addison Alexander

Princeton

Dec^r 24. 1852.

A

HISTORY OF THE DIVISION

OF THE

PRESBYTERIAN CHURCH

IN THE

United States of America.

BY A

COMMITTEE OF THE SYNOD

OF NEW YORK AND NEW JERSEY.

NEW YORK:
PUBLISHED BY M. W. DODD,
Brick Church Chapel, City Hall Square, opposite the City Hall.

1852.

ENTERED according to Act of Congress, in the year 1852, by
G. N. JUDD,
in the Clerk's Office of the District Court of the United States for the Southern District of New York.

EDWARD O. JENKINS, PRINTER,
114 Nassau Street.

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PRINCETON
THEOLOGICAL
SEMINARY

Preface.

The following extract from the Minutes of the Synod of New York and New Jersey, at their Sessions held in the City of Brooklyn, Oct., 1850, and the accompanying remarks, show the origin and object of this publication.

"The Synod, taking into view the state of that branch of the Church with which they are connected, believe that *their* interests, and the cause of truth and righteousness, will be promoted by the careful preparation, and the wide diffusion of a history of the *causes* which produced a division of the Presbyterian Church in this country; therefore,

Resolved, That a committee, consisting of five Ministers and five Ruling Elders, be appointed to prepare and publish a brief history of the causes which produced this division, and of the subsequent attempts which have been made by our branch of the Church to unite the two Assemblies, together with the legal rights of churches in which attempts may be made to remove them from our connection."—*Minutes of the Synod, page* 15.

The members of the committee were designated as follows:

Rev. G. N. Judd, D. D.	Hon. Jos. C. Hornblower,
" T. H. Skinner, D. D.	" Cyrus P. Smith,
" E. F. Hatfield, D. D.	" John L. Mason,
" Jos. S. Gallagher,	" Danl. Haines,
" S. T. Spear,	" William Jessup.

Till within a recent period the hope was cherished that the necessity of such a history as that which this resolution contemplates, would be superseded by the union of the two branches of the Presbyterian Church. Repeated overtures have been made by our Assembly to that of our brethren for the purpose of securing this object, all of which have been rejected by them, as will be seen by the perusal of the following history. The report of the committee of their last Assembly upon "the Memorial of the Presbytery of Rochester, asking the Assembly to adopt measures to effect a union between the two branches of the Presbyterian Church," and the haste with which the transfer of the Third Church, Newark, was made to the Presbytery of Elizabethtown against the respectful and earnest remonstrance of a minority of said Church, and another from members of the Presbytery of Newark, and elders of the churches under its care, show beyond all controversy that the only union, which the leading members of their branch of the Church contemplate, is by the absorption of our ministers and churches.

In these circumstances we are called upon either to admit that the principles which governed us in the organization of the Assembly of 1838, and in our uniform course of action since, were wrong; or in the spirit of the Gospel, manfully to defend them. We cannot for a moment hesitate which alternative to choose. That all our acts in the peculiarly trying circumstances in which we have been placed, are faultless, we would by no means assert. That the *principles* which in the main have governed us in the unhappy controversy, forced upon us by our brethren, are correct, and that it is our imperative duty to defend them, we are as fully persuaded as that it is our duty "earnestly to contend for the faith which was once delivered unto the saints."

Other reasons call for the history contained in the following pages. So long as any ground of hope remained that the two branches of the Church might soon be united, but little was said or published by the one to which we are attached,

respecting the causes of the division. The necessary consequence is, that the younger portion of our ministers and church-members need information on this subject. Indeed, many important facts connected with the division have faded from the memories of those who once possessed the knowledge of them, and ought to be restored.

The presentation of these facts is also needed, in order to counteract erroneous statements and remove false impressions made by them, respecting the *causes* of the division. We charge none with *intentional* misrepresentation, but statements have been made by our brethren respecting them, which we believe to be wholly unauthorized by facts, and which have led many in our country and on the other side of the Atlantic, to believe that our branch of the Church, while it *professedly* adheres to the Confession of Faith, is corrupt in doctrine, fanatical in practice, and guilty of the sin of schism. It is high time that the evidence of the truthlessness of these statements should be laid before the public, and that minds which have been led into error by them should be disabused. To do this is one of the objects of the following narrative.

Chapter First.

HISTORY OF THE CAUSES WHICH PRODUCED THE DIVISION IN THE PRESBYTERIAN CHURCH.

A FEW years since the Presbyterian Church in these United States was a united and efficient branch of the Protestant family of believers. Her ministers and licentiates numbered more than two thousand, and in talents, learning, Christian character, and the ability and fidelity with which they discharged their official duties, they held an honorable rank among their brethren of the other branches of the Protestant Church. The number of her communicants exceeded two hundred thousand, comprising an amount of intelligence, wealth, and influence which, in connection with her Ministry, qualified her to perform no unimportant part in the evangelization of our country and the world. For the literary, scientific, and theological education of her sons, she had colleges and theological seminaries, not inferior to those of any of her sister denominations, and great advantages for promoting the cause of education throughout our widely extended country. Her resources for exerting a wide and commanding influence for good were ample. Now she is divided into two bands, both of which adopt the same standards of doctrine and discipline. They do not, however, as formerly, meet in the same judicatories. Each has its own Presbyteries, Synods, and General Assembly. Those who once united in sweet and hallowed fellowship in the worship of God, now meet in different sanctuaries, and rarely unite in commemorating

their redemption by the priceless sacrifice of their common Lord and Saviour.

Why is it thus? What has rent asunder a body of believers, who adopt the same system of doctrinal belief and the same Ecclesiastical Polity? In the minds of intelligent men, who are not well versed in the history of the Presbyterian Church in this country for the last fifteen or twenty years, these are questions which naturally arise. The object of the ensuing narrative is to furnish a true answer to them.

For several years previous to the division of the Church, causes had been in operation, tending to produce this sad catastrophe, which will be noticed in a subsequent part of this narrative. By the great body of those now composing our branch of the Church, however, and many in the other, of tolerant views and pacific spirit, it was hoped their influence might be counteracted and ultimately removed. This fondly cherished hope was not realized. Within the bosom of the Church there were elements of evil, which could be controlled only by the combined efforts of moderate men of both parties. Unhappily, this combination was not effected. By a document which will be noticed hereafter, called "The Act and Testimony," Conventions held previously to the meetings of several General Assemblies, for the express purpose of controlling their proceedings and other efforts directed to the attainment of the same end, in the Assembly of 1837, they received a majority. Finding themselves in possession of *power*, they resolved to use it. The course, which it was their purpose to pursue in case they should have a majority in the Assembly, was marked out by the Convention, which during the previous week, had been in session in the city of Philadelphia. On the second day of the Sessions of the Assembly the "Testimony and Memorial" of the Convention was presented to that body. The character of this document will be sufficiently evident from the following extract and brief statement of its principal objects. They say,

"It is against *error* that we emphatically bear our testimony,—*error* dangerous to the souls of men, dishonoring to Jesus Christ, contrary to his revealed truth, and utterly at variance with our standards. *Error*, not as it may be freely and openly held by others, in this age and land of absolute religious freedom; but error held, and taught in the Presbyterian Church, preached and written by persons who profess to receive and adopt our scriptural standards—promoted by societies operating widely through our churches—reduced into form, and openly embraced by almost entire Presbyteries and Synods—favored by repeatsd acts of General Assemblies, and at last virtually sanctioned to an alarming extent by the numerous Assembly of 1836."

This declaration is followed by a specification of appalling errors, in doctrine and departures from Presbyterian order and discipline, which the Convention affirmed to be extensively prevalent in the Presbyterian Church.

The above quotation from the "Testimony and Memorial" of the convention and brief statement of its character, is all that a due regard to brevity on the part of the Committee admits. Those who desire more ample information respecting it, we refer to the document itself and the minutes of the Convention. An examination of them will make it undeniably evident either that large portions of the Church *were grossly* corrupt both in doctrine and practice, or that the Convention were guilty of wholesale slander. Which was really the fact, will appear in the progress of this narrative.

The statement of the errors and grievous departures from the order and discipline of the Presbyterian Church, which the "Testimony and Memorial" affirmed to be extensively prevalent, was followed by a proposed method of reform, designed to be adopted by the Assembly, the first measure of which was the abrogation of "a plan of union between Presbyterians and Congregationalists in the new settlements adopted in 1801."

Here let it be borne in mind that this plan *originated* with

Presbyterians, and was by their General Assembly proposed to the General Association of Connecticut, and by both bodies unanimously adopted. It is as follows:—

"Regulations adopted by the General Assembly of the Presbyterian Church in America, and by the General Association of the State of Connecticut, (provided said Association agree to them), with a view to prevent alienation and promote union and harmony, in those new settlements which are composed of inhabitants from these bodies.

1st. It is strictly enjoined on all their missionaries to the new settlements, to endeavor, by all proper means, to promote mutual forbearance and accommodation, between those inhabitants of the new settlements who hold the Presbyterian and those who hold the Congregational form of church government.

2d. If in the new settlements, any church of the Congregational order shall settle a minister of the Presbyterian order, that church may, if they choose, still conduct their discipline according to congregational principles, settling their difficulties among themselves, or by a council mutually agreed upon for that purpose: But if any difficulty shall exist between the minister and the church or any member of it, it shall be referred to the Presbytery to which the minister shall belong, provided both parties agree to it; if not, to a council consisting of an equal number of Presbyterians and Congregationalists, agreed upon by both parties.

3d. If a Presbyterian Church shall settle a minister of congregational principles, that church may still conduct their discipline according to Presbyterian principles; excepting that if a difficulty arise between him and his church, or any member of it, the cause shall be tried by the Association, to which the said minister shall belong, provided both parties agree to it; otherwise by a council, one half Congregationalists and the other half Presbyterians, mutually agreed on by the parties.

4th. If any congregation consist partly of those who hold

the congregational form of discipline, and partly of those who hold the Presbyterian form; we recommend to both parties, that this be no obstruction to their uniting in one church and settling a minister: and that in this case, the church choose a standing committee from the communicants of said church, whose business it shall be, to call to account every member of the church, who shall conduct himself inconsistently with the laws of christianity, and to give judgment on such conduct: and if the person condemned by their judgment, be a Presbyterian, he shall have liberty to appeal to the Presbytery; if a Congregationalist, he shall have liberty to appeal to the body of the male communicants of the church: in the former case the determination of the Presbytery shall be final, unless the church consent to a further appeal to the Synod, or to the General Assembly; and in the latter case, if the party condemned shall wish for a trial by a mutual council, the cause shall be referred to such council. And provided the said standing committee of any church, shall depute one of themselves to attend the Presbytery, he may have the same right to sit and act in the Presbytery, as a ruling elder of the Presbyterian Church.

On motion *Resolved*, That an attested copy of the above plan be made by the Stated Clerk, and put into the hands of the delegates of this Assembly to the General Association, to be by them laid before that body for their consideration; and that if it should be approved by them, it go into immediate operation."—Vol. I. p. 261, 262.

On the 23d day of May, after a long and animated debate on the subject, the following resolution was passed by the Assembly—viz.:—

"But as the plan of union adopted for the new settlements in 1801 was originally an unconstitutional act on the part of that Assembly—these important standing rules having never been submitted to the Presbyteries—and as they were totally destitute of authority as proceeding from the General Association of Connecticut, which is invested

with no power to legislate in such cases, and especially to enact laws to regulate churches not within her limits; and as much confusion and irregularity have arisen from this unnatural and unconstitutional system of union, therefore it is resolved, that the act of the Assembly of 1801, entitled a 'Plan of Union,' be, and the same is hereby abrogated."—*Minutes of the Assemby of* 1837, *page* 421.

By this resolution "a Plan of Union," all whose provisions were manifestly adapted to promote the spread of true religion in the new settlements, and to diffuse the benevolent and uniting principles and spirit of the Gospel, and which for thirty six years had been acted upon in good faith, was abrogated. The grounds of a procedure so manifestly unjust and so uncourteous in its aspect toward the General Association of Connecticut, will be noticed in a subsequent part of this history.

The day next succeeding that on which the resolution abrogating "the Plan of Union" was passed, the Assembly took up that part the Memorial of the Convention which related to doctrinal errors. This called forth a long and animated discussion, and on Friday, the 26th day of May, the following resolutions were adopted by a majority of six votes, viz.:

"1. *Resolved*, That the proper steps be now taken to cite to the bar of the next Assembly such inferior judicatories as are charged by common fame with irregularities.

"2. That a special committee be now appointed to ascertain what inferior judicatories are thus charged by common fame, prepare charges and specifications against them, and to digest a suitable plan of procedure in the matter; and that said Committee report as soon as practicable.

"3. That, as citations on the foregoing plan is the commencement of a process involving the right of membership in the Assembly; therefore, resolved, that agreeably to a principle laid down, chap. V., sec. 9th of the 'Form of Government,' the members of said judicatories be excluded from a seat in the next Assembly, until their case shall be decided."—*Minutes of the Assembly of* 1837, *page* 425.

These resolutions were protested against by the minority, not because they were unwilling to concur in methods, authorized by the Gospel and our book of discipline for the removal of error and the maintenance and vindication of the fundamental doctrines of Christianity, but because they were fully persuaded that the facts in the case did not authorize the measures proposed in these resolutions. That errors in doctrine and irregularities in practice existed in some sections of the Church, was believed and deplored by many now attached to the Constitutional Assembly. They were fully satisfied, however, that there was gross exaggeration in the statements of the Memorial of the Convention on this subject, calculated to produce unnecessary alarm and agitation, and injure the reputation and usefulness of brethren who were sound in the faith. Nor did they believe arraignment at the bar of the Assembly was the first step which should be taken with erring brethren. Deeply did they feel that before charges of heresy and gross disorder were formally brought against them, efforts should be made to reclaim them in the spirit of Christian forbearance and love. Such efforts they believed were all that the facts in the case authorized. Moreover, evidence was before their minds, which fully satisfied them that however honestly and zealously *some* of the majority were laboring to promote the purity of the Church, the leaders in that Assembly had an *ulterior* object in view. They were grasping at power. The evidence of this is palpable in this narrative. It is apparent from the third resolution, designed to secure the arraignment of the inferior judicatories on the charge of heresy and irregularities at the bar of the next Assembly. Mark the language of this resolution. "*Resolved*, That agreeably to a principle laid down, chap. V. sec. 9th, of the Form of Government, the members of said judicatories be *excluded* from a seat in the next Assembly, until their case shall be decided." By carrying out this resolution, they hoped to secure the power which, it was manifest, they were laboring to attain.

Strongly, however, as the minority were opposed to the resolutions in favor of arraigning the Synods against which they were aimed, when they became convinced that this measure must be adopted or the Synods cast out of the Church without trial or an opportunity to be heard in their own defence, as the less of two evils, they chose the former. In order to prevent their *immediate* exclusion from the Church, they presented the following preamble and resolution, viz.:

"Whereas, it has been alleged, that the Synods of Geneva, Genesee, and Utica, of the Presbyterian Church, in the United States of America, have been guilty of important delinquency and grossly unconstitutional proceedings, and a resolution predicated on this allegation to exclude the said Synods from the said Presbyterian Church has been offered in this Assembly; and, whereas, no specified act of the said Synods has been made the ground of proceeding against those bodies, nor any specific members of those bodies have been designated as the delinquents; and, whereas, these charges are denied by the commissioners representing these bodies on this floor, and an inquiry into the whole matter is demanded; and, whereas, a majority of the members of the Synods have had no previous notice of these proceedings, nor of the existence of any charge against them, individually or collectively, nor any opportunity of defending themselves against the charges so brought against them:

"Therefore, resolved, That that the Synods of Utica, Geneva and Genesee be and hereby are cited to appear on the third Thursday of May next, at Philadelphia, before the next General Assembly of the Presbyterian Church in the United States of America, to show what they have done or failed to do, in the case in question, and if necessary, generally to answer any charges that may or can be alleged against them, to the end that the whole matter may be examined into, deliberated upon, and judged of, according to the Constitution and Discipline of the Presbyterian Church in the United

States of America."—*Minutes of the Assembly of* 1837, *pages* 443, 444.

This preamble and resolution, presented subsequently to other acts of the Assembly which claim attention, are introduced here to show that the minority, though opposed to the measure for reasons before stated, advocated the citation of the Synods named in the resolution, when they became convinced if that were not done, they would be thrust out of the Church, without opportunity to be heard in their own defence.

In order to give a correct history of the division of the Church and the causes which led to the sad catastrophe, it must be stated that previously to the presentation of the foregoing resolution, an effort was made to effect an *amicable* division. This was proposed by the leading member in the majority. By the minority, division had for years been uniformly opposed as unnecessary and disastrous. When *compelled* to contemplate measures with a view to bring about a division of the Church, they yielded to the law of necessity. A committee of ten, five from the majority and five from the minority, was appointed to consult together respecting a division, but they could not agree, and each branch brought in a separate report. These documents are too long to be inserted here. They can be found and examined by turning to pages 430 and 437 inclusive, of the Minutes of the Assembly of 1837. Upon the points which respected a division of the Church, the Committee came to an agreement, except those which related to the time and manner of its being done, and the character of the Assembly. The members of the Committee who acted in behalf of the majority of the Assembly, insisted upon an *immediate* division. Those who represented the minority believed they had no authority from the Constitution, nor the Presbyteries which commissioned them, to do anything to effect an immediate dismemberment of the Church. In this they were undoubtedly right. Had the Committee agreed upon a plan for the proposed division, and

the Assembly adopted it, the act would not have been binding without the consent of the Presbyteries. An able writer on this subject has well remarked, "According to the Constitution of the Church, this Committee of ten, or even the whole Assembly, had no more right to divide the Church than the Committee of Ways and Means in Congress has to divide the Union."

Moreover, those who labored to effect an *immediate division*, insisted on holding the charter, with all its privileges and franchises, in their own hands. This, had it been granted them, would, in any case, have made them secure, while those from whom they wished to be separated would have had nothing on which to depend but fair promises, which often mock the hopes of those who confide in them. To such a division, the members of the Committee, representing the minority in the Assembly, could not consent, without a shameful dereliction of their duty. It would have been a betrayal of the confidence, and a surrender of the rights of brethren, who were conscientiously struggling to maintain their chartered rights, and preserve the constitution of the church inviolate.

The measure adopted for an *amicable* division of the church having failed, the majority resolved to effect a separation by another method. They then passed the following resolution by a vote of 132 members, 105 voting against it—viz.:

"*Resolved*, That, by the operation of the abrogation of the Plan of Union of 1801, the Synod of Western Reserve is, and is hereby declared to be no longer a part of the Presbyterian Church, in the United States of America."—*Minutes of the Assembly of* 1837, *page* 440.

The men who were professedly engaged in labors "to effect the purification, and ensure the permanent peace of the church," were not satisfied to pause here. They doubtless feared that they had not done enough to perpetuate the power of which they were then possessed, and were wielding with such terrible efficiency. Hence they subsequently in-

troduced the following resolutions, which were passed by the Assembly, viz. :—

"*Be it Resolved,* By the General Assembly of the Presbyterian Church in the United States of America,

1. "That in consequence of the abrogation by this Assembly, of the Plan of Union of 1801, between it and the General Association of Connecticut, as utterly unconstitutional, and therefore null and void from the beginning, the Synods of Utica, Geneva and Genesee, which were formed and attached to this body under and in execution of said Plan of Union, be and are hereby declared to be out of the ecclesiastical connection of the Presbyterian Church of the United States of America, and that they are not in *form* or in *fact* an integral portion of said Church."

In favor of this resolution 115 votes were given and 88 against it, the ministers and elders from the Synod of Western Reserve not being allowed to vote. They then passed three other resolutions, of which it is necessary here to notice only the one numbered second, and is as follows, viz. :—

"2. That the solicitude of this Assembly on the whole subject, and its urgency for the immediate decision of it, are greatly increased by reason of the gross disorders which are ascertained to have prevailed in those Synods, (as well as that of Western Reserve, against which a declarative resolution, similar to the first of these, has been passed during our present sessions), it being made clear to us, that even the Plan of Union itself was never consistently carried into effect by those professing to act under it."—*Minutes of the Assembly of* 1837, *pages* 444, 445.

For the purpose of preventing any members from the exscinded Synods from obtaining seats in the next General Assembly, they appointed "a Committee to confer with the officers of the Assembly, who compose the Committee of Commissions, to procure from them a *pledge* to carry out the action of the Assembly in their official character to its

full accomplishment."—*Minutes of the Assembly of* 1838, *page* 15.

Even all this was not sufficient to satisfy the ruling spirits of the majority of the Assembly. The Rev. Robert L. Breckinridge offered a series of resolutions, which, after being amended, were passed as follows, viz.:—

"*Be it resolved*, By the General Assembly of the Presbyterian Church in the United States of America,

"1. That the Third Presbytery of Philadelphia be, and hereby is dissolved.

"2. The territory embraced in this Presbytery is re-annexed to those to which it respectively appertained before its creation. Its Stated Clerk is directed to deposit all the records and other papers in the hands of the Stated Clerk of the Synod of Philadelphia, on or before the first day of the sessions of that Synod, at its first meeting after this Assembly adjourns.

"3. The candidates and foreign missionaries of the Third Presbytery of Philadelphia are hereby attached to the Presbytery of Philadelphia.

"4. The ministers, churches and licentiates, in the Presbytery hereby dissolved, are directed to apply without delay to the Presbyteries to which they most naturally belong, for admission into them. And upon application being so made by any duly organized Presbyterian Church, it shall be received.

"5. These resolutions shall be in force from and after the final adjournment of the present sessions of the General Assembly."—*Minutes of the Assembly of* 1837, *pages* 472, 473.

Against these acts of the Assembly by which four Synods, five hundred ministers, and about sixty thousand communicants, against whom no charge of heresy or immorality had been substantiated, were declared to be out of the Presbyterian Church, and an important Presbytery was dissolved, the minority solemnly protested, but in vain. In their reply

to the protest of the members from the Synod of Western Reserve, the majority say expressly, "they had *no right* to join in a protest against any decision of the Assembly, or to have their protest admitted to record." These arbitrary and unrighteous acts were the *proximate cause* of the division of the church. In a subsequent part of this narrative, they will be examined and placed in their true light.

Chapter Second.

THE GROUNDS ON WHICH THE MAJORITY ATTEMPTED TO JUSTIFY THEIR EXSCINDING ACTS AND THE DISSOLUTION OF THE THIRD PRESBYTERY OF PHILADELPHIA, STATED.

That we may not misrepresent the views of our brethren, respecting these extraordinary measures, but present fairly the grounds on which they attempted to justify them, we shall state them mainly in their own language as contained in the answers to the protests against them, and the review of the acts of the Assembly in the Biblical Repertory of July, 1837.

The first ground on which they attempted to justify their exscinding acts, and on which they placed their main reliance, was the *alleged unconstitutionality* of the Plan of Union of 1801. In their reply to the protest of the minority of the Assembly, they make this important preliminary statement, which the reader, who would fully possess himself of the absurdity of their acts, would do well to bear in mind.

"We believe," say they, "that our powers as a judicatory are limited and prescribed by the constitution of the Presbyterian Church. Whatever any Assembly may do, which it is not authorized by the constitution to do, is not binding on any inferior judicatory, nor on any subsequent Assembly." They then say,

"The constitution provides that all our judicatories shall be composed of bishops or ministers and ruling elders of the Presbyterian Church, and the General Assembly have no right to introduce into any of the judicatories any other per-

sons claiming to hold any other offices, either in the Presbyterian Church or any other church. And should they attempt to do this, no one is bound by it. But the General Assembly of 1801 did permit members of standing committees in churches not Presbyterian, 'to sit and act' in our Presbyteries, and under this provision they have sat in the higher judicatories of the church."

"On a thorough investigation it is now fully ascertained that they had no authority from the constitution to admit officers from any other denomination of Christians to sit and act in our judicatories; and *therefore*, no Presbytery or Synod thus constituted, is recognized by the constitution of our church, and no subsequent General Assembly is bound to recognize them."

"The Presbyteries of the Synod of the Western Reserve are thus constituted, for committee-men are permitted 'to sit and act' in all these Presbyteries; therefore this General Assembly cannot recognize the constitutional existence of these Presbyteries."

"The fact that they have been recognized by former Assemblies cannot bind this Assembly, when it is fully convinced of the unconstitutionality of the organization. The existence of Presbyteries thus constituted is recognized neither in the former nor the amended constitution of the church."

"The representatives of these churches, on the accommodation plan, form a constituent part of these Presbyteries as *really* as the pastors or elders, and this Assembly *can recognize no Presbytery, thus constituted, as belonging to the Presbyterian Church.*"

"The Assembly has extended the operation of this principle to other Synods, which they find similarly constituted."—*Minutes of the Assembly of* 1837, *pages* 450, 451.

The Biblical Repertory, in presenting the arguments of the majority of the Assembly in favor of their resolution, which declared the Synod of Western Reserve "no longer a part

of the Presbyterian Church in the United States of America," gives the same views with those presented in the preceding extracts from their answer to the protest, but with considerable amplification. That we may present their views *fairly* and *fully*, we give the substance of their vindication in the language of the Repertory.

"The resolution," it says, "declares that the Western Reserve Synod is not a regular portion of our Church, and it rests this declaration on the unconstitutionality of the Plan of Union. Of course, it is here assumed, first, that this Plan is unconstitutional, and secondly, that the Synod in question is in the Church only in virtue of that plan. Respecting the first of these assumptions, the Repertory says, "It is in fact as plain as that a Congregational Church is not a Presbyterian Church." It then adds, "With regard to the second point, we admit that something more is necessary than merely to prove that the Plan of Union is unconstitutional. It must be shown in the first place that the churches within the bounds of this Synod were formed on the basis of this plan; secondly, that the abrogation of the plan effects the separation of these churches from this body; and thirdly, that the connection of the Synod is of necessity also thereby dissolved. With regard to the first of these points," the Repertory states, "it is, as a general fact, a matter of historical notoriety, and might be as safely assumed as that the United States were originally British colonies." The question then is, does the abrogation of that Plan dissolve this connection? It undoubtedly does, unless you take measures to prevent it, and declare the contrary. The General Assembly has a resolution declaring that churches organized in a certain way may be connected with our body: afterwards they rescind that resolntion—what is the consequence? Why certainly to withdraw the permission and dissolve the connection. The connection was formed by the first resolution, it lasts while the resolution continues, and ceases when it is repeated." "It is, however objected that where a law is of

the nature of a contract, its repeal cannot invalidate the rights which have vested under it. We admit the principle freely, but we ask what is law? It is an enactment made by competent authority, in the exercise of its legitimate powers. An act passed by a body that had no right to pass it, is no law; it has no binding force; it is legally nothing, and can give existence to nothing legal. Even admitting that the Plan of Union adopted in 1801 was of the nature of a contract, yet if the Plan is unconstitutional, it is void; it has existed hitherto only by sufferance, and may at any time be set aside. There is, however, an unfairness in this mode of presenting the case. The Plan of Union is *not* a *contract* in the ordinary sense of the word; nor have absolute rights vested under it according to the common use of those terms. The Plan of Union is little else than a declaration on the part of the Assembly that it will recognize churches organized in a certain way. The connection formed was perfectly voluntary; one which either party might dissolve at pleasure."

"The next question to be decided is, whether, admitting the unconstitutionality of the Plan of Union, and that the churches formed upon it are now no part of our Church, does this authorize the declaration that the Synod of the Western Reserve is no longer connected with this body? We answer this question in the affirmative. According to the constitution of our Church, 'As a Presbytery is a convention of the Bishops and Elders within a certain district: so a Synod is a convention of the Bishops and Elders within a larger district, including at least three Presbyteries.' The question then is, are these Presbyteries or this Synod conventions of Bishops and Elders? This question has been already answered. They are not such conventions."

"Again, on the supposition that after all these accommodation churches are disconnected with this body, the Presbyteries and Synod still retain their connection, we should have Presbyteries and a Synod composed almost entirely of min-

isters. These are not regular Presbyterian bodies. It is said, however, that since there are regular churches and pastors within the limits embraced by these bodies, they are Presbyteries and a Synod within the meaning of the constitution. The fallacy of this argument is obvious. These materials are indeed included within the Synod, but do not constitute it." —*Biblical Repertory, July*, 1837, *pages* 454, 455, 458, 459, 460, 461.

The foregoing extracts from the Minutes of the General Assembly and the Biblical Repertory are sufficient to make the *first ground* on which the Assembly attempted to justify the excision of the Synod of the Western Reserve, unmistakably evident. The *alleged unconstitutionality* of the Plan of Union, they likewise urged in justification of the excision of the Synods of Utica, Geneva, and Genesee. The only thing in regard to which these Synods differed from that of Western Reserve was this—in 1808, "The Synod of Albany requested the Assembly to sanction a plan of union and correspondence between themselves and the Northern Associate Presbytery, and the Middle Association in the Western District, in the State of New York. The plan being read, and the subject discussed, *Resolved*, That the Assembly sanction the aforesaid plan."—*Assembly's Digest, page* 310.

The Commissioners from the Synods of Utica, Geneva and Genesee, in their protest against the act by which those Synods were "declared to be out of the ecclesiastical connection of the Presbyterian Church of the United States of America," stated, that "the majority of the churches within the bounds of said Synods were strictly Presbyterian in their structure, and with few exceptions, even the small number of churches originally Congregational, were not organized under the stipulations of the said Plan of Union, but came in under a different arrangement, and possessed rights on this subject secured to them by the Assembly of 1808, by which the Synod of Albany was authorized to take the Middle Association under its care."—*Minutes of the Assembly of* 1837, *page* 465.

To this the Assembly replied—"The compact of the Assembly of 1808 with the Synod of Albany, in reference to the Middle Association, is as unconstitutional as the Plan of Union of 1801."

The Assembly, after having declared the four Synods "to be out of the ecclesiastical connection of the Presbyterian Church," passed the following resolution, expressive of the bearing of the act upon the exscinded ministers and churches, viz.:

"That the General Assembly has no intention, by these resolutions, or by that passed in the case of the Synod of the Western Reserve, to affect in any way the ministerial standing of any members of either of said Synods; nor to disturb the pastoral relation in any Church; nor to interfere with the duties or relations of private Christians in their respective congregations; but only to *declare* and *determine* according to the truth and necessity of the case, and by virtue of the full authority existing in it for that purpose, the *relation* of all said Synods, and all their constituent parts, to this body, and to the Presbyterian Church in the United States."—*Minutes of the Assembly of* 1837, *page* 445.

On this subject the Biblical Repertory makes similar statements. In reporting the arguments of the exscinders in favor of their exscinding acts, it says, "In support of the resolution, it was urged,—That it was neither in intention nor fact an act of discipline. Such act supposes an offence, a trial, and a sentence. The resolution, however, charges no offence, it proposes no trial, it threatens no sentence. It purports merely to declare a fact, and assigns a reason for the declaration. It is neither the form nor the operation of judicial process. Should the resolution be adopted, it will not affect the standing of the members of this Synod as Christians, as ministers or pastors. It will simply alter their relation to the Presbyterian Church. We do not propose to excommunicate them as church members, or to depose them as ministers. We do *not withdraw our confidence from them,*

or *intend to cast any imputation on them.* We simply declare that they are not constitutionally a part of our church." —*Biblical Repertory, July* 1837, *pages* 453, 454.

This language certainly expresses a settled determination not to slander, nor pursue with invective, nor do any injury to those whom they had ruthlessly cast out of the church. Nay, it asserts that they do *not* even *withdraw* their *confidence* from them. This is kind indeed. Whether the kindness professed has been actually shown, the reader may judge after having examined the

2d Ground on which they attempted to justify their acts of excision. This is alleged departures from the doctrine and order of the Presbyterian Church. The 2d Resolution passed respecting the Synods declared to be no longer a part of the Presbyterian Church in the United States, is in these words, viz. :

"That the solicitude of the Assembly on the whole subject, and its urgency for the immediate decision of it, are greatly increased by reason of the gross disorders which are ascertained to have prevailed in those Synods, (as well as that of the Western Reserve, against which a declarative resolution, similar to the first of these [that is, the one declaring the Synods of Utica, Geneva and Genesee no longer a part of the Presbyterian Church in this country] has been passed during our present sessions), it being made clear to us, that even the Plan of Union itself was never consistently carried into effect by those professing to act under it."—*Minutes of the Assembly of* 1837, *page* 445.

In the Biblical Repertory we find the following language in vindication of the excision of the Synod of the Western Reserve. "All that kind of evidence which produces moral certainty as to the state of things in that region of country, may very properly be adduced as an argument why we should dissolve our connection with a body in which our system is openly disregarded. We presume there is not an individual on this floor, who is not perfectly satisfied that there are such

frequent and serious departures from presbyterial order permitted within the bounds of this Synod, as would justify its excision by judicial process.—The departures from Presbyterianism in this region are not confined to matters of governments; we have every evidence such a case admits of, that what we believe to be serious departures from our doctrinal standards, prevail throughout this Synod. We know what is the theology of Oberlin Seminary; we know what opinions the commissioners from these Presbyteries have, at various times, avowed on the floor of the Assembly; we know, and every one else knows, that new-school theology, be it good or bad, is the theology of this Synod."—*Biblical Repertory, July*, 1837, *pages* 465, 466.

On page 474 of the same work, we find the following statement respecting the excluded Synods in the State of New York. "In support of the second resolution," (the one we last quoted), "which assigns as a reason for the speedy decision of this matter the prevalence of gross disorders within the bounds of these Synods, extracts from various documents were read, such as the pastoral letter of the Synod of Geneva, the letter of the Association of Western New York, Mr. Finney's lectures, Dr. Beecher's letter to the editor of the New York Observer, &c. These documents were read not as evidence but arguments. If it is true that extravagance and fanaticism have prevailed to a great extent in this region of country, it is certainly a strong reason for dissolving our connection with these churches."

Near the close of the sessions of the Assembly, "the report of the Committee on the memorial" of the Convention, "which relates to doctrinal errors," was taken up and adopted as follows, viz. :—

"As one of the principal objects of the memorialists is to point out certain errors, more or less prevalent in our church, and to bear testimony against them, your committee are of opinion, that as one great object of the institution of the church was to be a depository and guardian of the truth;

and as, by the constitution of the Presbyterian Church in the United States, it is made the duty of the General Assembly to testify against error; therefore, resolved, that the testimony of the memorialists concerning doctrine, be adopted as the testimony of this General Assembly, (with a few verbal alterations,) which is as follows:

1. That God would have prevented the existence of sin in our world, but was not able without destroying the moral agency of man: or, that for aught that appears in the Bible to the contrary, sin is incidental to any wise moral system.

2. That election to eternal life is founded on a foresight of faith and obedience.

3. That we have no more to do with the first sin of Adam than with the sins of any other parent.

4. That infants come into the world as free from moral defilement as was Adam, when he was created.

5. That infants sustain the same relation to the moral government of God in this world as brute animals, and that their sufferings and death are to be accounted for, on the same principles as those of brutes, and not by any means to be considered as penal.

6. That there is no other original sin than the fact that all the posterity of Adam, though by nature innocent, or possessed of no moral character, will always begin to sin when they begin to exercise moral agency; that original sin does not include a sinful bias of the human mind, and a just exposure to penal suffering; and that there is no evidence in Scripture, that infants, in order to salvation, do need redemption by the blood of Christ, and regeneration by the Holy Ghost.

7. That the doctrine of imputation, whether of the guilt of Adam's sin, or of the righteousness of Christ, has no foundation in the Word of God, and is both unjust and absurd.

8. That the sufferings and death of Christ were not truly vicarious and penal, but symbolical, governmental, and instructive only.

9. That the impenitent sinner is by nature, and independently of the renewing influence or almighty energy of the Holy Spirit, in full possession of all the ability necessary to a full compliance with all the commands of God.

10. That Christ does not intercede for the elect until after their regeneration.

11. That saving faith is not an effect of the special operation of the Holy Spirit, but a mere rational belief of the truth, or assent to the Word of God.

12. That regeneration is the act of the sinner himself, and that it consists in a change of his governing purpose, which he himself must produce, and which is the result, not of any direct influence of the Holy Spirit on the heart, but chiefly of a persuasive exhibition of the truth, analogous to the influence which one man exerts over the mind of another; or that regeneration is not an instantaneous act, but a progressive work.

13. That God has done all that *he can do* for the salvation of all men, and that man himself must do the rest.

14. That God cannot exert such influence on the minds of men, as shall make it certain that they will choose and act in a particular manner without impairing their moral agency.

15. That the righteousness of Christ is not the sole ground of the sinner's acceptance with God; and that in no sense does the righteousness of Christ become ours.

16. That the reason why some differ from others in regard to their reception of the gospel is, that they make themselves to differ.

Against all these errors, whenever, wherever, and by whomsoever taught, the Assembly would solemnly testify; and would warn all in connection with the Presbyterian Church against them. They would also enjoin it upon all the inferior judicatories to adopt all suitable measures to keep their members pure from opinions so dangerous. Especially does the Assembly earnestly enjoin on all the Presbyteries to guard with great care the door of entrance to the

sacred office. Nor can the Assembly regard as consistent with ministerial ordination vows, an unwillingness to discipline according to the rules of the Word of God and of our standards, any person already a teacher, who may give currency to the foregoing errors."—*Minutes of the Assembly of* 1837, *pages* 468, 469.

In the "Circular Letter" addressed by the Assembly "to all the churches of Jesus Christ," in justification of their acts, they say,

"As the great truths of the Gospel lie at the foundation of all Christian hope, as well as of the purity and prosperity of the church, we felt ourselves bound to direct early and peculiarly solemn attention to those doctrinal errors which, there was but too much evidence, had gained an alarming prevalence in some of our judicatories. The advocates of these errors, on their first appearance, were cautious and reserved, alleging that they differed in words only from the doctrines as stated in our public standards. Very soon, however, they began to contend that their opinions were really new, and were a substantial and important improvement on the old creed of the church; and at length, that revivals of religion could not be hoped for, and the souls of men must be destroyed, if the old doctrines continued to be preached. The errors thus promulged were by no means of that doubtful or unimportant character, which seems to be assigned to them even by some of the professed friends of orthodoxy. You will see, by our published acts, that some of them affect the very foundation of the system of Gospel truth, and that they all bear relations to the Gospel plan, of very serious and ominous import. Surely, doctrines which go to the formal or virtual denial of our covenant relation to Adam; the native and total depravity of man; the entire inability of the sinner to recover himself from rebellion and corruption; the nature and source of regeneration; and our justification solely on account of the imputed righteousness of the Redeemer, cannot, upon any just principle, be regarded

as 'minor errors.' They form, in fact, 'another Gospel;' and it is impossible for those who faithfully adhere to our public standards, to walk with those who adopt such opinions with either comfort or confidence."—*Minutes of the Assembly of* 1837, *pages* 503, 504.

The Assembly's attempted vindication of their act, dissolving the Third Presbytery of Philadelphia, we give in their own language.

"*Resolved,* That the evidence before this Assembly, establishing the evil effects of the existence of this Presbytery, is ample; that the principle on which it was formed, and on which it has existed up to this time, viz., that of elective affinity, is now on all hands admitted to be unconstitutional; and lastly, that being originally formed by the Assembly, none can question the right of that body to dissolve it, whenever its continued existence is found to be injurious to truth and charity."—*Minutes of the Assembly of* 1837, *page* 488.

The grounds on which the Assembly attempted to justify their abrogation of the "Plan of Union" and acts declaring four Synods no longer in connection with the Presbyterian Church in these United States, and dissolving the Third Presbytery of Philadelphia, are now before the reader. Their utter indefensibility will now be shown.

Chapter Third.

THE GROUNDS ON WHICH THE ASSEMBLY ATTEMPTED TO JUSTIFY THEIR ABROGATION OF THE "PLAN OF UNION," THE EXCISION OF THE FOUR SYNODS, AND DISSOLUTION OF THE THIRD PRESBYTERY OF PHILADELPHIA, EXAMINED.

THE *alleged* reason for abrogating the "Plan of Union," was its unconstitutionality. In regard to this, different opinions have been entertained by those who opposed its abrogation in the Assembly and those who now regard it as grossly unrighteous. Some *then* believed, and many *now* believe, that the constitution *authorized* the adoption of the "Plan of Union." Of this opinion were both the judges before whom the suits, which originated in the acts of the Assembly complained of, were tried. Judge Gibson, in delivering the opinion of the Court in Bank, said it was a temporary arrangement, and acquired the force of a law *without* the sanction of the Presbyteries. "It was evidently," he said, "not intended to be permanent, and it consequently was constitutionally enacted." In his charge to the jury, Judge Rogers remarked, "So far from believing the 'Plan of Union' unconstitutional, I concur fully with one of the counsel, that confined within its legitimate limits, it is an arrangement or regulation, which the General Assembly not only had power to make, but that it is one which is well calculated to promote the best interests of religion."

We admit the Constitution of the Presbyterian Chuch does not *expressly* provide for such a "Plan of Union" as that now under consideration. Nor does it for the plan of mutual correspondence between the General Assembly of the

Presbyterian Church and the Congregational Bodies of New England. No call has been made, however, for the abrogation of the latter plan, on the ground of its unconstitutionality. If the constitution does not contain an *express provision* for these plans, it certainly does not prohibit them.

So far, however, as the *vindication* of the act by which the "Plan of Union" was abrogated, is concerned, we deem it of very little importance whether its adoption *were* or *were not* strictly conformed to the letter of the constitution. It was proposed by the General Assembly to the General Association of Connecticut, formally adopted by both bodies, and acted upon in good faith for more than one-third of a century by them, and the churches organized in conformity with its provisions. In these circumstances the discourtesy of its abrogation toward the General Association of Connecticut, and its gross injustice to the churches formed under it, are quite sufficient to doom it to utter and everlasting reprobation.

Toward the General Association of Connecticut, it was a flagrant violation of the laws of Christian courtesy. Without the concurrence of that body the General Assembly could not have adopted the Plan. This was by them perfectly known. Hence, when they presented the Plan to the Association, they employed the following language—viz., "Regulations adopted by the General Assembly of the Presbyterian Church in America and by the General Association of Connecticut, (*provided* said Association *agree* to them.") After their proposal had been accepted by the Association and both bodies had acted upon it for thirty-six years, how manifestly and grossly uncourteous toward their New England brethren was its abrogation, without first asking their consent! Of such discourtesy no former Assembly had been guilty. In 1794 a mutual agreement was entered into by the General Assembly and the General Association of Connecticut, securing to the delegates, to their bodies respectively, the right to vote on all questions which should be determined

by either of them. The Assembly of 1826 deemed it desirable that this right should be taken away. They did not feel, however, that they were authorized to do it without *first* asking the *consent* of the Association. This was done, and since 1827, by the consent of both bodies, their delegates have had the right to sit and deliberate, but not to vote. The Assembly of 1835 were desirous that no more churches should be formed according to the provisions of the "Plan of Union of 1801." They did not, however, ordain that none should be. They did no more than pass the following resolution, viz.:— "Resolved, That our brethren of the General Association of Connecticut be, and they hereby are *respectfully requested to consent* that said Plan be, from and after the next meeting of that Association, declared to be annulled."—*Minutes of the Assembly of* 1835, *page* 29.

In respect to the rights of their Congregational brethren and Christian courtesy toward them, what a sad departure from the course pursued by the Assembly of 1835, in reference to the annulling of the "Plan of Union," and that of the Assembly of 1837 to secure its abrogation! The former *respectfully request* the Association to *consent* that no more churches be formed under it; the latter, without uttering a syllable in their ear on the subject, abrogated it, and all which, for thirty-six years, had been done in conformity with its stipulations.

But the *gross injustice* done by its abrogation to the churches organized agreeably to its provisions, is a much stronger ground of objection against the act than its discourtesy to the General Association of Connecticut. These churches, though not one of the *original* parties in adopting the plan, became a party to it by connecting themselves with the Presbyterian Church, according to its provisions. By it, they were authorized to administer their discipline according to Congregational or Presbyterian principles of Church government, and call men to the pastoral office among them from either denomination. The Minutes of many Assem-

blies previous to the abrogation of the plan, show that they had sent up their statistical reports to the Presbyteries with which they were connected, and contributed to the funds of the General Assembly. Whether the plan were or were not constitutional, we see not how it can with justice or propriety be denied that it embraced the elements of a mutual compact or covenant. In this light the plan of mutual representation in the General Associations of New England and the General Assembly has been regarded. In 1833, Doctor Miller said, "I have always been a warm friend of it, and should be grieved at the occurrence of anything calculated to interrupt it, or render it less comfortable. If no such intercourse existed, it ought forthwith to be begun. Those who come so near together as the great body of ministers of New England and those of the Presbyterian Church, ought undoubtedly to know and love one another, and to co-operate in the great work of enlightening and converting the world." Again he says, "The articles of intercourse between the Associations of New England and the General Assembly of the Presbyterian Church are to be considered as a *solemn ecclesiastical compact,* evidently intended to promote harmony, co-operation, and mutual strength."—*History of the Presbyterian Controversy, by H. Woods, page* 43.

If the articles of intercourse between the Associations of New England and the General Assembly are to be regarded as solemn covenants, much more is the "Plan of Union," which provides for the organization of churches, the administration of discipline and the settlement of pastors, to be so regarded. In that compact or covenant, *they* considered themselves a party, fulfilled its stipulations, and expected them to be fulfilled on the part of the Assembly. Had the plan operated ever so disastrously to the interests of the Presbytarian Church, the Assembly would have had no right to violate its plighted faith to the churches, which had performed what the compact required of them. So thought the advocates of a Board of Foreign Missions in the Assem-

bly of 1836. Near the close of the Assembly of the previous year, a Committee was "appointed to confer with the Synod of Pittsburg on the subject of a transfer of a supervision of the Western Foreign Missionary Society to the General Assembly," and in case of their approval of such transfer, the Assembly "authorized them to ratify and confirm the same with the said Synod." The conductors of the Biblical Repertory, when presenting the arguments of the advocates of this transfer, say expressly, "Though our Assembly cannot by an act of ordinary legislation bind its successors, yet in all cases in which contracts have been formed under the authority of our Assembly, succeeding Assemblies are bound in honor and honesty to execute them."—*See July No. of Repertory for* 1836, *page* 421.

In that case, the utmost that justice would have allowed them to do, would have been to request those churches to become strictly Presbyterian, or connect themselves with Congregational associations. The Assembly of 1835, which requested the General Association of Connecticut to concur with them in annulling the Plan, were not prepared to abrogate all that had been done under it. They "resolved that the annulling of said Plan shall not in any wise interfere with the existence and lawful operations of churches which have been already formed on this Plan."—*Minutes of the Assembly of* 1835, *page* 29.

Had the spirit of this resolution prevailed in the Assembly of 1837, no act like the one we are now considering could have been passed. Unhappily, it was under the influence of a very different spirit,—a spirit which urged it forward to the act of annulling all which for thirty-six years had been done under a solemn compact. This was a rash and arbitrary act, subversive of the very *foundation of sound morals*, and highly injurious to the cause of evangelical religion.

That, however, was not the most objectionable act performed by that Assembly. Had it been, the Presbyterian Church would not have been rent asunder. The minority

would then have done nothing more than enter their solemn protest against the act, declaring the "Plan of Union" null and void from the beginning. But after having performed that act, they declared four Synods, embracing churches organized under that Plan, no longer in connection with the Presbyterian Church. By this act, five hundred ministers, and sixty thousand communicants in good standing, were cast out of the Church without trial, without citation even, or any opportunity to be heard in self-defence. One of the grounds on which they attempted to justify this arbitrary proceeding, was the alleged unconstitutionality of the "Plan of Union."

This ground is wholly untenable. The Synods and Presbyteries embraced in them, were *not created* by that Plan. It contained no provision for the erection of either. The reader, by turning to pages 12 and 13 of this narrative, will perceive at a glance that it merely secured to churches the right of conducting their discipline, either upon Congregational or Presbyterian principles, of settling pastors from either denomination, and in case difficulties should arise between pastors and their flocks, it pointed out the methods which they might adopt to settle them. It also recommended to churches, composed partly of Congregationalists and partly of Presbyterians, to appoint a standing committee to conduct their discipline, and allowed them to depute one of their number to attend the Presbytery, who should have the same right to sit and act in that body as a ruling elder. Not a syllable does it contain respecting the erection of Synods and Presbyteries. For their organization the constitution makes ample provision. It expressly asserts that the power of erecting new Presbyteries belongs to the Synod; and that of erecting new Synods, to the General Assembly. That the exscinded Presbyteries and Synods were organized in strict conformity with the provisions of the constitution, we have ample proof. The records of the Synods, containing an account of the organization of every new Presbytery, were

sent up from year to year to the General Assembly for examination and approval. Had there been anything irregular or unconstitutional in their organization, it surely would not have escaped the notice of the Assembly. We have yet to learn that any exception was ever taken to the erection of any one of these Presbyteries, on the ground of irregularity in its organization. Had there been, their commissioners would not have been admitted to seats in the General Assembly. Against the admission of commissioners from Presbyteries, not constitutionally organized, the Assembly had long exercised great vigilance. For the purpose of guarding effectually against it, the Assembly of 1822 passed the following resolution, viz.:—

"Resolved, that it be adopted as a standing rule of this house, that commissioners from newly formed Presbyteries shall, before taking their seats as members of this body, produce satisfactory evidence that the Presbyteries to which they belong have been regularly organized, according to the constitution of the Church, and are in connection with the General Assembly."—*Min. of the Assembly of* 1822, *page* 20.

Guarded as the Assembly had been against receiving commissioners from Presbyteries not organized according to the constitution, previously to 1838, the commissioners from within the bounds of the exscinded Synods had uniformly been admitted to seats in that body. What stronger proof can be given that, up to the time of the excision of the Synods, the Assembly had been perfectly satisfied that the Presbyteries, which they embraced, had been constitutionally organized?

The evidence of the constitutional organization of the Synods is equally conclusive. By a reference to the Minutes of the Assemblies now to be named, it will be seen that the Assembly of 1812 constituted the Synod of Geneva; that of 1821, the Synod of Genesee; that of 1825, the Synod of the Western Reserve; and that of 1829, the Synod of Utica.

The "Plan of Union," as we have seen, related exclusively

to the *government* of churches, which, by it, became connected with the Presbyterian Church, the settlement of pastors, and the admission of members of standing committees to seats in the judicatories of the church. How, then, could the abrogation of that Plan, whether constitutional or not, exclude from the Presbyterian Church Presbyteries and Synods which had been organized in strict conformity with the letter of the constitution?

Our exscinding brethren attempt to avoid this conclusion, by affirming that the organization of these Presbyteries and Synods was rendered unconstitutional by permitting members of standing committees in churches not Presbyterian to sit, and act, in the presbyteries and higher judicatories. They say expressly, that they cannot recognize the constitutional existence of presbyteries thus established, and that the fact of their having been recognized by former Assemblies, had no power to bind the one, which declared them no longer in connection with the Presbyterian Church.*

These are sweeping declarations, leading to consequences which, we presume, their authors would be very unwilling to admit. If, as they affirm, admitting members from other denominations of Christians to sit and act in the judicatories of the Presbyterian Church vitiates their organization, and makes them unconstitutional bodies, such were the Synods of Albany and New Jersey. Both of these Synods had churches under their care, whose discipline was conducted upon Congregational principles, and which were represented in Presbytery and Synod by members of standing committees. Had the Assembly of 1837 acted in conformity with the principle by which they attempted to justify the excision of the four Synods, they would have declared the Synods of Albany and New Jersey no part of the Presbyterian Church. Had they passed that act, which a regard to consistency required them to do, they would have declared the Professors in the Theological Seminary at Princeton, not even except-

* Min. Assembly of 1837, pages 450, 451.

ing the venerable Docts. Alexander and Miller, no longer in connection with the General Assembly, as they did the venerable Doct. Richards and his associate Professors in the Seminary at Auburn. Nay, a strict adherence to the principle before stated, that the admission of officers from any other denomination of Christians to sit and vote in the judicatories of the Presbyterian Church, destroys their constitutionality, would require the admission that between the years 1794 and 1827—a period of thirty-three years, there was no General Assembly, constitutionally organized. During that period, the delegates from the General Association of Connecticut to the General Assembly enjoyed all the rights of its own members. Our exscinding brethren, we presume, are not prepared to affirm that all the acts of the thirty-three Assemblies, in which Congregational ministers were allowed to vote, are null and void.

In justification of their act, dissolving the 3d Presbytery of Philadelphia, they assigned two reasons. One was, the evil effects of its existence; the other, that its organization was unconstitutional. The evils, resulting from its *existence*, they did not specify. They doubtless consisted in the obstacles which it opposed to the increase of the power and influence of their party in the Church.

This Presbytery was constituted by the General Assembly in 1832, on the principle of elective affinity,—a principle which, it is presumed, all will admit should be acted upon only in extraordinary cases, of which that under consideration was one. The same party in the old Presbytery of Philadelphia, which was the most zealous and active in casting their brethren out of the Church without trial in 1837, in 1831 did all they could to prevent the settlement of the Rev. Albert Barnes over the 1st Presbyterian Church in that city. For many years previous an unhappy state of things had existed in that Presbytery. A large majority of its members were dissatisfied with some of the theological views of the Rev. James P. Wilson, D.D., for many years the honored

pastor of the 1st Church in that city, and the Rev. Thomas H. Skinner, D.D., pastor of the 5th Church, and a few others, who, if they did not agree with them in all their doctrinal views, were convinced that the opposition to the brethren just named was uncalled for and unchristian. Mr. Barnes' views coincided with those of these brethren, and they in the Presbytery who opposed them, determined, if they could, to prevent the settlement of Mr. Barnes. The case was carried up by complaint to the General Assembly of 1831, and was disposed of by the adoption of the following resolutions, viz.:—

"1. *Resolved,* That the General Assembly, while it appreciates the conscientious zeal for the purity of the Church, by which the Presbytery of Philadelphia is believed to have been actuated in its proceedings in the case of Mr. Barnes; and while it judges that the sermon of Mr. Barnes, entitled 'The Way of Salvation,' contains a number of unguarded and objectionable passages; yet is of opinion, that, especially after the explanations which were given by him of those passages, the Presbytery ought to have suffered the whole to pass without further notice.

2. *Resolved,* That in the judgment of this Assembly, the Presbytery of Philadelphia ought to suspend all further proceedings in the case of Mr. Barnes.

3. *Resolved,* That it will be expedient, as soon as the regular steps can be taken, to divide the Presbytery in such way as will be best calculated to promote the peace of the ministers and churches belonging to the Presbytery."—*Min. Assembly* 1831, *page* 180.

Conformably to the recommendation of the Assembly, application was made to the Synod of Philadelphia at its sessions the ensuing October, to divide the Presbytery, but the Synod rejected the application. Of the refusal of the Synod to divide the Presbytery, those members who desired the division complained to the next General Assembly. Their complaint was sustained, and the Presbytery divided agreea-

bly to their wishes.—*See Minutes of the Assembly of* 1832, *page* 321.

As the guardian of the peace of the churches, how could the Assembly forbear to divide the Presbytery? And was the erection of the new one on the principle of elective affinity, for the express purpose of putting an end to the unhallowed strifes which had long existed in the old Presbytery of Philadelphia, and which the Assembly had good reason to believe would be continued, were it not divided, a sufficient ground for the Assembly of 1837 to dissolve a Presbytery erected by a previous Assembly? Can any person qualified by knowledge and candor to judge in the case, give an affirmative answer to this inquiry?

The attempted justification of the act dissolving the 3d Presbytery of Philadelphia, because it was organized on the principle of elective affinity, is utterly at variance with the act of their own party in 1821. In that year a union was effected between the General Assembly of the Presbyterian Church and the Associate Reformed Church. The Assembly, in consummating that union, recognized and carried out the principle of elective affinity. One article of the plan of union is in these words:

"The different Presbyteries of the Associate Reformed Church shall either retain their separate organization, or shall be amalgamated with those of the General Assembly, at their own choice. In the former case (that is, by elective affinity), they shall have as full powers and privileges as any other in the united body." One of the Presbyteries of the Associate Reformed Church availed itself of this permission. The General Assembly therefore allowed two Presbyteries, one previously belonging to it, and one received from the Associate Church, to occupy "the same ground and have jurisdiction over the same territory."

It requires but a moderate share of discernment to see the *real ground* of the objection of the exscinders of 1837 to a Presbytery organized on the principle of elective affinity.

When the adoption of the principle tended to increase their power and influence, they had no objection to it:—when it tended to diminish them, it was an evil not to be tolerated.

And the Assembly did more than dissolve the 3d Presbytery of Philadelphia. Their 4th and 5th resolutions respecting it are in these words, viz.:

4th. "The Ministers, Churches and Licentiates, in the Presbytery hereby dissolved, are directed to apply without delay to the Presbyteries to which they naturally belong, for admission into them. And upon application being so made by any duly organized Presbyterian Church, it shall be received.

5th. These resolutions shall be in force from and after the final adjournment of the present sessions of the General Assembly."—*Minutes of the Assembly of* 1837, *page* 473.

These resolutions make it manifest as the light, that after the final adjournment of the Assembly, the Ministers, Churches and Licentiates of the 3d Presbytery of Philadelphia, till they should apply for admission into "the Presbytery to which they most naturally belong," and be actually received by them, were declared to be out of the Presbyterian Church.

This procedure against the 3d Presbytery of Philadelphia and the excision of the four Synods without trial or citation, in respect to the reputation of the authors of these acts, were passed three centuries too late. The darkness of the dark ages would have been but a miserable apology for them.

The Assembly did not rest their attempted vindication of the excision of the four Synods *solely* on the ground of the *unconstitutionality* of the Plan of Union. They were doubtless convinced, if they could assign no other reason for those acts, they would be placed before an enlightened community in a most unenviable position. *Another* ground on which they attempted to justify them, was doctrinal error and gross departures from the order of the Presbyterian Church. By turning to pages 29–33 inclusive of this history, it will be seen that the Assembly attempted to vindicate their

exscinding acts, by alleging the alarming prevalence of fundamental errors in the Church, especially within the bounds of the disowned Synods. In their "Circular Letter to all the Churches of Jesus Christ," they say of these errors, "They form in fact another Gospel; it is impossible for those who faithfully adhere to our public standards to walk with those who adopt such opinions with either comfort or confidence."

The principal "disorders and irregularities" of which the Assembly complained and against which they warned the churches, are these, viz., "Irregularities in the formation of Presbyteries, licensing men to preach the Gospel and ordaining them to the office of the ministry," who do not cordially adopt the standards of the Presbyterian Church "and preach and publish radical errors; the formation of creeds, often incomplete, false, and contradictory of each other, and of our Confession of Faith and the Bible; the needless ordination of a multitude of men to the office of evangelist; the disuse of the office of Ruling Elder; the unlimited and irresponsible power, assumed by several associations of men under various names, to exercise authority and influence, direct and indirect, over Presbyteries, and a progressive system of Presbyterial representation in the General Assembly—until the actual representation seldom exhibits the true state of the Church."—*See Minutes Assembly of* 1837, *page* 471.

These are grave charges indeed. If well founded, they could doubtless have been established by testimony before the regularly constituted judicatories of the church. If they could not be proved, those who wrongfully charged their brethren with embracing the errors specified, and practising the alleged irregularities, ought to have been dealt with as slanderers. These are charges, too, be it remembered, brought against Synods and the churches within their bounds, declared to be out of the Presbyterian Church on the ground of the unconstitutionality of "the Plan of Union." The authors of the exscinding acts, when attempting to justify

them on this ground, solemnly affirm that they passed them "without impeaching the character or standing of the brethren composing these Synods." In support of the resolution for exscinding the Synod of the Western Reserve, it was said in the Assembly, "The resolution—charges no offence, it proposes no trial, it threatens no sentence. It purports merely to declare a fact, and assigns a reason for the declaration. It has neither the form nor the operation of a judicial process. Should the resolution be adopted, it will not affect the standing of the members of this Synod as Christians, as ministers or pastors. It will simply alter their relation to the Presbyterian Church. We do not propose to excommunicate them as church members, or depose them as ministers. We do *not withdraw our confidence* from them, or intend to cast any imputation upon them."—*Biblical Repertory, July* 1837, *page* 454.

It is difficult to conceive of language more kind and courteous toward those whom they were laboring to cast out of the church without trial. How humiliating, shortly after it was uttered, to hear its authors, when attempting to justify their act of exscinding them, charge them with errors and irregularities so *gross* as to merit exclusion from the Presbyterian Church by judicial process!

After having cast them out of the church, their position was an exceedingly difficult one. They are really to be *pitied* no less than *blamed*. In casting them out without trial, they did an egregious wrong, and they must either repent or attempt to justity it. Unhappily they chose the latter, and must abide the consequences.

Before a refutation is attempted of the charges of gross errors and irregularities against constitutional Presbyterians, justice to them requires that it be stated and borne in mind, that an overwhelming majority of them have *never denied* that there were errors in doctrine and irregularities in practice in the churches, which required correction. They believed there were, deplored their existence, and were willing

to co-operate in the employment of constitutional and scriptural means for their removal. They then resisted and have uniformly borne their testimony against them. The evils complained of were mainly attributable to a class of reckless evangelists and pastors, who admitted them to their pulpits, some of whom doubtless approved and adopted their doctrines and measures. Those who were opposed to them, and willing to employ means authorized by the Scriptures for the removal of error both in doctrine and practice, were opposed to the substitution of violent and summary measures for the discipline of the Gospel. And at the time the four Synods were disowned, the evils complained of had been arrested, and far less was to be apprehended from them than there had been six or eight years before. This is admitted by the editors of the Biblical Repertory. In their review of the "Act and Testimony" in 1834, after having commended one Presbytery in which they say, there is not "a single adherent of the Old School," for refusing to ordain a candidate who held the popular errors on depravity and regeneration, they say, "There are not wanting other decisive and cheering intimations that the portentous union between New Divinity and new measures, which threatened to desolate the church, has, at least for the present, done its worst."

Moreover, the zeal of the leaders in the ranks of the self-constituted reformers was all employed in one direction. Among themselves were men strongly tinctured with Antinomian errors—errors highly dishonorable to God, and calculated to remove from the minds both of saints and sinners the burden of obligation to yield immediate and unceasing obedience to His will. But the exscinders would suffer *no testimony* to be borne against these errors. And measures for promoting revivals of religion, of which they loudly complained, had been used by leading men of their own party for years. And compared with evils which attended revivals among Presbyterians in the West, especially in Kentucky and Tennessee more than thirty years before, for the removal

of which no disciplinary nor legislative measures were employed, those upon which their zeal was expended were as the twilight to the darkness which brooded over Egypt on that fearful night when her first-born were slain.

Justice to constitutional Presbyterians requires that another ground of their opposition to the course pursued toward the disowned Synods should be stated. It was not denied even by the exscinders themselves that there were among them sound Presbyterians, and those in other sections of the church, who opposed their exscinding acts, had evidence which, to their minds, was perfectly satisfactory, that there were hundreds of ministers and thousands of church-members whose soundness in the faith could not be impeached. The act of excision placed these unoffending brethren, who had done and suffered four-fold more than any of the self-styled reformers had done, to prevent the spread of error in doctrine and practice in the church, in precisely the same position with those who had embraced and labored to propagate them. To this procedure they were conscientiously and irreconcilably opposed. True, in justification of this extraordinary and revolting procedure, it was said ample provision was made for the reception of all sound Presbyterians into the church, from which they had been thrust out. This adds *insult* to *injury*. Let us suppose an analogous case. Rumors reach the ears of Congress that within the territory covered by the four disowned Synods, there are citizens of treasonable principles and practice. Instead of ordering a legal investigation of these rumors to be made, on the ground of them, though wholly irresponsible, they pass a resolution, declaring all the inhabitants of the suspected districts no longer citizens of the United States, and their senators and representatives no longer entitled to seats in their body. Not doubting, however, that there are many unoffending and law-abiding citizens in the exscinded districts, Congress enacts that all who will come forward and take the oath of allegiance to the Government, shall be received as loyal citi-

zens. It would be insulting to any man's understanding and sense of common justice, to inquire what would be the sentiment of the nation, and of the civilized world, respecting the legality and justice of such a procedure? Such, however, was the *character* of the acts of the Assemby of 1837 of which we complain.

But we pass to the consideration of the attempted justification by our exscinding brethren of their acts of excision on the alleged ground of the alarming prevalence in the church of doctrinal errors. Here, at the very threshold, the remarkable fact meets us, that not an individual minister in connection with the General Assembly had been convicted of any departure from "The Confession of Faith and Catechisms." Charges of departures in doctrine from the Confession of Faith and the Word of God had been made against the Rev. Albert Barnes, of Philadelphia, and the Rev. Dr. Beecher, Professor of Theology in Lane Seminary, Cincinnati, Ohio. Indeed, this charge had been twice brought against Mr. Barnes. In 1830 he received a call from the 1st Presbyterian Church in Philadelphia, to become its pastor. A minority of the Presbytery opposed his settlement on the alleged ground of errors in doctrine contained in a sermon which he had published, entitled "The Way of Salvation." The majority, however, after hearing Mr. Barnes's explanations, were satisfied that there was nothing in the sermon which ought to prevent his settlement, and so decided. Of this the minority complained to the Synod. The Synod referred the case back to the Presbytery, to hear and decide upon their objections to Mr. Barnes's sermon. When the Presbytery convened the minority had become the majority, and the case was referred to the next General Assembly. This reference the Assembly disposed of by passing the resolutions before cited, on page 39 of this history.

This conclusion was deemed so auspicious and important to the peace of the church, that "the Assembly united in special prayer, returning thanks to God for the harmonious

result to which they have come; and imploring the blessing of God on their decision."—*See Minutes of the Assembly of* 1831, *pages* 180, 181.

In 1835, the Rev. George Junkin, D. D., then President of Lafayette College, arraigned Mr. Barnes before his Presbytery, on charges of erroneous doctrines, contained in a work which he had published, entitled "Notes on the Epistle to the Romans." These charges were ten in number, the statement of which, in this place, is not necessary. After a patient hearing of the case, the Presbytery decided that the charges were not sustained. From this decision, Dr. Junkin appealed to the Synod of Philadelphia, which met the ensuing October, in York, Penn. The Synod sustained the appeal of Dr. Junkin, and "suspended" Mr. Barnes from the exercise of all the functions proper to the Gospel ministry," till he should retract his errors, or give satisfactory evidence of repentance. From this act of suspension Mr. Barnes appealed to the next General Assembly. The Assembly met the ensuing May, in the city of Pittsburg, when the appeal of Mr. Barnes was sustained by a vote of one hundred and thirty-four members, ninety-six only voting against it. The sentence of suspension from the functions proper to the Gospel ministry was also reversed, by a vote of one hundred and forty-five members against seventy-eight.

A resolution was then introduced censuring some of the language in Mr. Barnes's Notes on the Romans, as at variance with the standards of the church, and admonishing him to revise the work, modify its statements, and "be more careful, in time to come, to study the purity and peace of the church," but the motion was lost.

In 1835 the Rev. Dr. J. L. Wilson, of Cincinnati, arraigned the Rev. Dr. Beecher, of Lane Theological Seminary, before the Presbytery of Cincinnati, on a charge of heresy and slander, by charging the whole Church of God with agreeing with him in regard to the nature of the sinner's inability to do the will of God. The charges brought against Dr. Beecher

were substantially the same with those for which Mr. Barnes was tried and suspended by the Synod of Philadelphia. The Presbytery, after a protracted and patient hearing of the case, decided that the charges against him had not been sustained. From this decision Dr. Wilson appealed to the Synod, but his appeal was not sustained. He then appealed from the decision of the Synod to the General Assembly, but when that body met the ensuing May, in the city of Pittsburg, he requested leave to withdraw his appeal, and his request was granted.

These are the only individuals who have been tried during the unhappy controversies which for years had agitated the Presbyterian Church for errors alleged to have been embraced and propagated by its members. Both of them were honorably acquitted. Neither of them belonged to the exscinded Synods. Not a member of those bodies had been tried or arraigned for heresy. But if the errors, affirmed to have been *extensively* embraced and disseminated by their members, had actually existed among them, they could have been arraigned, tried and condemned, unless those bodies were so corrupt as to prevent the regular exercise of discipline; and in that case the *General Assembly* could have taken the work of reform into its own hand by the method prescribed in Section 5th, Chapter 12th, in our Form of Government. The attempted justification of the acts, cutting off the four Synods on the ground of doctrinal errors, is an utter failure. It was *more* than a mere failure. It was nothing less than an effort to justify the casting out of the church without trial, or a responsible accuser, brethren in good standing in their respective Presbyteries and Synods on the ground of mere rumor; nay, of casting out many who, according to their own admission, were sound in the faith. Much more creditable would it have been to the authors of these acts frankly to have admitted that they were unconstitutional, arbitrary, and unrighteous, and promptly to have rescinded them.

And they not only cast out of the Presbyterian Church so many of her ministers and her members, all of whom were in good standing in their respective presbyteries and churches, but did it in the face of repeated public and solemn declarations on the part of those who represented them in the judicatories and other convocations of the Church, of their rejection and deep abhorrence of the errors laid to their charge. When the list of errors, contained in the Memorial of the Convention, which commenced its sessions ten days before, was introduced into the Assembly, an effort was made by one of the minority to add to it others of Antinomian tendency. After some discussion, it was agreed to make the consideration of these errors the order of the day for the ensuing morning. Instead of being considered *then*, however, it was not again presented for discussion in the Assembly till the 7th of the ensuing month, when, after a few verbal alterations, it was adopted. The reasons for this delay, and for cutting off all further amendment and discussion of the report, will be best understood by the protest of the minority against its adoption, which is as follows, viz. :—

"PROTEST.

"The undersigned respectfully present their protest against the act of the General Assembly, adopting the report of the Committee on Bills and Overtures, on so much of the memorial of the convention as relates to erroneous doctrines, and for the following reasons:

"We protest, 1. *Because of the course pursued by the majority in relation to this report.* Early in the sessions of the Assembly it was announced, that all the great questions which should claim their attention, and the action on which would give character to this Assembly, and affect the very integrity of the Presbyterian Church, were entwined around and involved in the memorial of the convention. That memorial presented, as *the evil* which lay at the foundation of their solemn testimony, and threatened the very existence of

the church, the prevalence of error. 'It is against *error*,' say the memorialists, 'that we emphatically bear our testimony—error, not as it may be freely and openly held by others, in this age and land of absolute religious freedom, but error held and taught in the Presbyterian Church, preached and written by persons who profess to receive and adopt our scriptural standards—promoted by societies widely operating through our churches—reduced into form and openly embraced by almost entire Presbyteries and Synods—favored by repeated acts of successive General Assemblies, and at last virtually sanctioned to an alarming extent by the numerous Assembly of 1836.' Of this they said they had 'conclusive proof.'

"On Monday, the 22d ultimo, the fourth day of the sessions of the Assembly, the committee to whom the memorial was referred, presented their report in relation to these errors, and invited the attention of the Assembly to this subject, as one of the very first importance, detailing with one or two verbal alterations merely, the list of errors condemned by the memorialists, and alleged to be rife in the Presbyterian Church. It was moved to amend this list by introducing into it four other errors, alleged to be held and taught, and productive of great mischief in the church. At the same time, request was made for one day's delay, that so grave and important a subject might receive the calm and sober attention it merited. On all hands, discussion was allowed to be desirable and necessary; and the Assembly agreed to make the subject the order of the day for the next day. When the next day arrived, however, the Assembly refused to take up the subject, and notwithstanding frequent attempts were made by the minority to get at the discussion, and the radical importance of the subject had been alleged, the Assembly uniformly refused to take it up, till near the close of the sessions, when all discussion and amendment were instantly prevented by the call for the previous question.

"2. We protest, *because of the manner in which the vote was arrived at.* The amendment offered proposed the condemna-

tion of the four following errors, of the existence of which in the Presbyterian Church, more decisive proof, in our view, was given by several speakers, than of any reported by the convention, viz.: 1. '*That man has no ability of* ANY KIND *to obey God's command or do his duty.* 2. *That ability is not necessary to constitute obligation.* 3. *That God may justly command what man has no ability to perform, and justly condemn him for the non-performance.* 4. *That all the powers of man to perform the duty required of him, have been destroyed by the fall.*' The admission of this amendment was opposed.

"A motion was made for the postponement of the amendment and doctrinal discussion till the next day, and argued till the previous question was demanded, which, the Moderator decided, would present the question of postponement as 'the main question;' and in that form the previous question was put and carried. But instead of taking up the subject then made the order of the day for the next day, the majority even afterwards refused to do so, until the rule for the previous question had been so altered, and the Moderator's decision on it so had, that the use of the previous question would cut off the amendment, and bring up the original list of errors as the main question. At the close of the session, when it was well known this would be the effect of the previous question, the report of the committee was taken up, and the call for the previous question made so immediately as to prevent all discussion on the amendment thereafter, as well as on the whole list of doctrinal errors.

"3. We protest, *because of the effect produced by the prospect or probability of obtaining a unanimous condemnation of the errors.* During the short discussion which took place on the amendment, it became obvious, that there would be a general if not unanimous testimony of the Assembly against the errors proposed to be condemned. Such a vote would have greatly weakened if not entirely destroyed the allegations of the convention, who affirmed that they had 'conclu-

sive proof' that these errors 'are widely disseminated in the Presbyterian Church.' We hoped it would have arrested all the subsequent action of the Assembly, which we feel to have been so disastrous to the interests of our beloved church. At all events, its moral effect, as a testimony against error, would have been so great, that had it been the main and exclusive design of the majority to condemn error, we think it strange they did not see and appreciate it. We think it strange, too, that instead of endeavoring to obtain a unanimous vote in the condemnation of error, and promote peace and harmony, which might have prevented much of what we believe will be productive of great and lasting injury to the church, the doctrinal errors were studiously and with determination kept back from the consideration of the Assembly till nearly all those measures were adopted, which could only be alleged to be necessary, on supposition of the fact, that there could be no unanimity or agreement in the condemnation of error.

"4. We protest, *because of the embarrassing condition in which members of the minority were placed, by the manner in which the majority determined, finally, to act on the report.* The report presented the list of errors, and proposed that the Assembly testify against them, not as errors, *in thesi*, but as errors declared by the convention to be rife in the Presbyterian Church. This, some of the members did not believe. At all events, no proof whatever was exhibited or offered that such is the fact. Others felt that some of the errors condemned are erroneous inferences, which have been drawn and falsely charged by those who do not understand the real sentiments of brethren, who prefer, in explaining the great doctrines of our confession and of the Word of God, to speak in the language of common sense, rather than to employ certain theological technics or terms of scholastic divinity, not found either in the Bible or in our standards, and which, it is believed, in many instances make dangerous practical impressions, and contrary both to the truth and to the design

of those that use them. To have refused, on the one hand, for these and such like reasons, to condemn these errors, would necessarily, in the present agitated state of the public mind, excite suspicions and doubts as to their soundness in the faith, who did so. Yea, even a non liquet vote, or declining to vote altogether, would have the same effect. On the other hand, to have condemned these errors, without some opportunity afforded in discussion to state their real views, and to disavow their belief of the erroneous inferences drawn from their mode of explaining the doctrine of the standards in the language of common sense, in preference to that of scholastic theology, would have subjected them to the charge of insincerity and hypocrisy, of late so industriously circulated against many estimable men in the Presbyterian Church. Christian candor, the spirit of brotherly love, and the obligation to do to others as we would have them to do to us, we think, should have rendered the majority willing to afford their brethren full opportunity to exhibit their real views, to correct any misrepresentations, to disavow any false inferences attributed to them as their opinions, and to unite with them in the condemnation of pernicious error.

"5. We protest also, *because of the want of discrimination, as we think, in the statement of the errors;* some of which are propositions wholly of a metaphysical character, and on points by no means clearly and positively settled, either in our standards or in the sacred Scriptures; and calculated exceedingly to perplex and bewilder the great mass of ordinary readers, in finding them classed with errors essentially at variance with both.

"6. We protest further, *because of the imperfect character, as we think, of the testimony given against error, in the report and resolutions adopted.* We think that the dangerous errors brought into view by the amendment, should have been condemned; and that it is not sufficient to affirm a proposition to be erroneous without asserting the contrary truth.

Such a testimony in full, we were prepared to give, had we been allowed an opportunity.

"7. We protest yet further, because the language of several of the statements, we think, is so ambiguous as to contain different propositions according to the different legitimate signification of the terms employed in the statement, and therefore requiring some explanation, as in specification first, where it is said, God was *not able* to prevent the existence of sin. Here, if the words 'not able' be taken in the sense of a want of a mere literal power, we have one proposition; but if understood to signify *inconsistency* with the perfections of the divine nature generally, we have another totally different; and so of *can* in the thirteenth and *cannot* in the fourteenth specifications. The same is also true in regard to the term *ability* in the latter clause of specification ninth. If by ability be meant endowments, such as constitute the natural capabilities of a moral and responsible agent, we have one proposition; but if ability be understood to signify a disposition of mind to will, and to do the good pleasure of God, we have one wholly diverse. To the list of ambiguities we may add the term regeneration, in the latter clause of specification twelfth. If, in that place, regeneration be understood to comprehend all the vicissitudes of mind which man experiences in the change from a careless sinner to a real Christian, we shall have a proposition wholly diverse from that which we would have, if we understood the term to mean merely the transformation of a convicted and anxious sinner into a true and spiritual Christian, or the translation from a state of death in trespasses and sins to a state of life; so that several of these statements may be true or false, error or orthodoxy, just as the terms that express them may be differently explained. We feel bound to protest against any doctrinal statements coming from this body, of so ambiguous import, and so adapted, as, we think, without explanation, to perplex and confound, and not to instruct and edify the churches.

"8. We protest, finally, because, in view of all the circumstances of the case, we feel that while we were prevented from uniting in the final vote with the majority in their testimony against error, for the reasons above stated, we owe it to ourselves, to our brethren, to the church, and to the world, to declare and protest, that it is not because we do, directly or indirectly, hold or countenance the errors stated. We are willing to bear our testimony in full against them, and now do so, when, without misapprehension and liability to have our vote misconstrued, we avow our real sentiments, and contrast them with the errors condemned, styling them, as we believe, the true doctrine, in opposition to the erroneous doctrine condemned, as follows, viz.:

"First Error. 'That God would have prevented the existence of sin in our world, but was not able, without destroying the moral agency of man; or, that for aught that appears in the Bible to the contrary, sin is incidental to any wise moral system.'

"True Doctrine. God permitted the introduction of sin, not because he was unable to prevent it, consistently with the moral freedom of his creatures, but for wise and benevolent reasons, which he has not revealed.

"Second Error. 'That election to eternal life is founded on a foresight of faith and obedience.'

"True Doctrine. Election to eternal life is not founded on a foresight of faith and obedience, but is a sovereign act of God's mercy, whereby, according to the counsel of his own will, he has chosen some to salvation; 'yet so as thereby neither is violence offered to the will of the creatures, nor is the liberty or contingency of second causes taken away, but rather established;' nor does this gracious purpose ever take effect independently of faith and a holy life.

"Third Error. 'That we have no more to do with the first sin of Adam, than with the sins of any other parent.'

"True Doctrine. By a divine constitution, Adam was so the head and representative of the race, that, as a conse-

quence of his transgression, all mankind become morally corrupt, and liable to death, temporal and eternal.

"Fourth Error. 'That infants come into the world as free from moral defilement as was Adam when he was created.'

"True Doctrine. Adam was created in the image of God, endowed with knowledge, righteousness, and true holiness. Infants come into the world not only destitute of these, but with a nature inclined to evil, and only evil.

"Fifth Error. 'That infants sustain the same relation to the moral government of God, in this world, as brute animals, and that their sufferings and death are to be accounted for on the same principles as those of brutes, and not by any means to be considered as penal.'

"True Doctrine. Brute animals sustain no such relation to the moral government of God as does the human family. Infants are a part of the human family; and their sufferings and death are to be accounted for, on the ground of their being involved in the general moral ruin of the race induced by the apostacy.

"Sixth Error. 'That there is no other original sin than the fact, that all the posterity of Adam, though by nature innocent, will always begin to sin when they begin to exercise moral agency; that original sin does not include a sinful bias of the human mind, and a just exposure to penal suffering; and that there is no evidence in Scripture, that infants, in order to salvation, do need redemption by the blood of Christ, and regeneration by the Holy Ghost.'

"True Doctrine. Original sin is a natural bias to evil, resulting from the first apostacy, leading invariably and certainly to actual transgression. And all infants, as well as adults, in order to be saved, need redemption by the blood of Christ, and regeneration by the Holy Ghost.

"Seventh Error. 'That the doctrine of imputation, whether of the guilt of Adam's sin, or of the righteousness of Christ,

has no foundation in the Word of God, and is both unjust and absurd.'

"True Doctrine. The sin of Adam is not imputed to his posterity in the sense of a literal transfer of personal qualities, acts, and demerit; but by reason of the sin of Adam, in his peculiar relation, the race are treated as if they had sinned. Nor is the righteousness of Christ imputed to his people in the sense of a literal transfer of personal qualities, acts, and merit; but by reason of his righteousness, in his peculiar relation, they are treated as if they were righteous.

"Eighth Error. 'That the sufferings and death of Christ were not truly vicarious and penal, but symbolical, governmental, and instructive only.'

"True Doctrine. The sufferings and death of Christ were not symbolical, governmental, and instructive only, but were truly vicarious, *i. e.* a substitute for the punishment due to transgressors. And while Christ did not suffer the literal penalty of the law, involving remorse of conscience and the pains of hell, he did offer a sacrifice which infinite wisdom saw to be a full equivalent. And by virtue of this atonement, overtures of mercy are sincerely made to the race, and salvation secured to all who believe.

"Ninth Error. 'That the impenitent sinner is by nature, and independently of the renewing influence or almighty energy of the Holy Spirit, in full possession of all the ability necessary to a full compliance with all the commands of God.'

"True Doctrine. While sinners have all the faculties necessary to a perfect moral agency and a just accountability, such is their love of sin and opposition to God and his law, that, independently of the renewing influence or almighty energy of the Holy Spirit, they never will comply with the commands of God.

"Tenth Error. 'That Christ does not intercede for the elect until after their regeneration.'

"True Doctrine. The intercession of Christ for the elect is previous as well as subsequent to their regeneration, as

appears from the following Scripture, viz., 'I pray not for the world, but for them which thou hast given me, for they are thine. Neither pray I for these alone, but for them also which shall believe on me through thy word.'

"ELEVENTH ERROR. 'That saving faith is not an effect of the operations of the Holy Spirit, but a mere rational belief of the truth or assent to the word of God.'

"TRUE DOCTRINE. Saving faith is an intelligent and cordial assent to the testimony of God concerning his Son, implying reliance on Christ alone for pardon and eternal life; and in all cases it is an effect of the special operations of the Holy Spirit.

"TWELFTH ERROR. 'That regeneration is the act of the sinner himself, and that it consists in change of his governing purpose, which he himself must produce, and which is the result, not of any direct influence of the Holy Spirit on the heart, but chiefly of a persuasive exhibition of the truth, analogous to the influence which one man exerts over the mind of another; or that regeneration is not an instantaneous act, but a progressive work.'

"TRUE DOCTRINE. Regeneration is a radical change of heart, produced by the special operations of the Holy Spirit, 'determining the sinner to that which is good,' and is in all cases instantaneous.

"THIRTEENTH ERROR. 'That God has done all that *he can do* for the salvation of all men, and that man himself must do the rest.'

"TRUE DOCTRINE. While repentance for sin and faith in Christ are indispensable to salvation, all who are saved are indebted from first to last to the grace and Spirit of God. And the reason that God does not save all, is not that he wants the *power* to do it, but that in his wisdom he does not see fit to exert that power further than he actually does.

"FOURTEENTH ERROR. 'That God cannot exert such influence on the minds of men, as shall make it certain that they will choose and act in a particular manner, without impairing their moral agency.'

"TRUE DOCTRINE. While the liberty of the will is not impaired, nor the established connexion betwixt means and end broken by any action of God on the mind, he can influence it according to his pleasure, and does effectually determine it to good in all cases of true conversion.

"FIFTEENTH ERROR. 'That the righteousness of Christ is not the sole ground of the sinner's acceptance with God; and that in no sense does the righteousness of Christ become ours.'

"TRUE DOCTRINE. All believers are justified, not on the ground of personal merit, but solely on the ground of the obedience and death, or, in other words, the righteousness of Christ. And while that righteousness does not become theirs, in the sense of a literal transfer of personal qualities and merit; yet, from respect to it, God can and does treat them as if they were righteous.

"SIXTEENTH ERROR. 'That the reason why some differ from others in regard to their reception of the Gospel is, that they make themselves to differ.'

"TRUE DOCTRINE. While all such as reject the Gospel of Christ do it, not by coercion but freely—and all who embrace it do it, not by coercion but freely—the reason why some differ from others is, that *God* has made them to differ.

"*Philadelphia, June 8th*, 1837.

"George Duffield, E. W. Gilbert, Thomas Brown, Bliss Burnap, N. S. S. Beman, E. Cheever, E. Seymour, George Painter, F. W. Graves, Obadiah Woodruff, N. C. Clark, Robert Stuart, Nahum Gould, Absalom Peters, Alexander Campbell."

—*Minutes of the Assembly, pages* 481–486.

On the 17th of August next ensuing the meeting of the Assembly, a convention of ministers and laymen, commissioned by their respective Presbyteries, met in Auburn, New York, to deliberate upon the unhappy position in which the church had been placed by the exscinding and kindred acts of the Assembly, and recommend such a course of action to the

ministers and churches, who believe those acts to be unconstitutional, unrighteous, and revolutionary, as they in their wisdom should deem best calculated to promote their peace and prosperity, and the glory of God. In that Convention nine Synods and thirty-three Presbyteries were represented by ninety-eight clergymen, and fifty-eight laymen, duly commissioned, and twenty-four clergymen, not commissioned by their Presbyteries, who were invited to sit as corresponding members, making a total of one hundred and eighty. These men certainly can be regarded in no other light than fair representatives of the prevailing doctrinal sentiments of the Presbyteries and Churches with which they were connected. Whether they were so heretical as to deserve exclusion from the church by judicial process, the reader may judge by reading the second and third resolutions which they passed upon doctrine, without a dissenting voice. They are these, viz.:—

"2. *Resolved*, That as the religious sentiments of the Synods and Presbyteries whom we represent, we cordially embrace the Confession of Faith of the Presbyterian Church, 'as containing the system of doctrine taught in the Holy Scriptures,' as understood by the church ever since the Adopting Act of 1729, viz.: 'And in case any minister of the Synod, or any candidate for the ministry, shall have any scruple with respect to any article or articles of said confession, he shall, in time of making said declaration, declare his scruples to the Synod or Presbytery; who shall, notwithstanding, admit him to the exercise of the ministry within our bounds, and to ministerial communion, if the Synod or Presbytery shall judge his scruples *not essential* or necessary in *Doctrine, Worship, or Government*.

"3. *Resolved*, That in accordance with the above declaration, and also to meet the charges contained in the beforementioned circular ['The Circular Letter to all the Churches of Jesus Christ'], and other published documents of the late General Assembly, this convention cordially disapprove and

condemn the list of errors condemned by the late General Assembly, and adopt, as the expression of their own sentiments, and as they believe the prevalent sentiments of the churches of these Synods on the points in question, the list of 'true doctrines' adopted by the minority of the said Assembly in their 'Protest' on this subject."

These repeated disavowals of the list of errors, condemned by the Assembly, the repeated affirmation of the true doctrine, presented in the protest of the minority, and adherence to "The Confession of Faith as containing the system of doctrine taught in the Holy Scriptures," constitute an amount of testimony in favor of the doctrinal purity of Constitutional Presbyterians, which can be resisted only by an implied or avowed affirmation that their solemn declarations and vows are unworthy of credit. Are the excinders, who have rent the church asunder, prepared to say that the professions of the men whom they charge with heresy, are hypocritical, and that by their ordination vows, they made themselves guilty of perjury? We are confident *many* who adhere to that branch of the Presbyterian Church which, in 1837, trampled upon the Constitution, abandoned the old, time-honored platform of Presbyterianism and placed themselves on an entirely "new basis," would on no account do this. For reasons, which they doubtless consider sufficient, but the validity of which, if they be valid, we have not to this day been able to discern, they still adhere to that body. In this matter, we are willing to leave them to their own sense of duty. We have a right, however, according to the teachings of the "Biblical Repertory," (an authority which they respect,) to place the acts of the body with which they are connected in their true light. In the number for July, 1837, we find the following language:—"The only fair criterion by which to judge of any public body, is their acts and their official documents. Individuals must answer for themselves." In availing ourselves of this universally conceded right, to speak of their exscinding acts, it gives us no pleasure, but un-

feigned and deep regret to be compelled to say they thrust out of the church so large a number of ministers and communicants, not one of whom had been convicted of heresy or error, or of any disciplinable offence, and against their solemn disavowal of the heresies laid to their charge and declarations of adherence to the Confession of Faith. These acts they first attempted to justify on the ground of the alleged unconstitutionality of the Plan of Union, but as if conscious of the invalidity of the plea, they urge that of *rumored* heresies and departures from Presbyterian order in the bounds of the disowned Synods, and other sections of the Church. By the deep and unwavering convictions of our minds, we are constrained to pronounce these acts unfounded, arbitrary, and oppressive. They indeed *said* they meant not to *criminate* those whom they disowned and cast out, nor to affect their standing as christians and ministers, or pastors; but directly after, in justification of their acts of excision, charge them with heresies and disorders so gross as to render them deserving of exclusion from the church by judicial process. If these allegations are no injury to those against whom they are made, it can be only because the public regard their authors unworthy of confidence.

The actual state of things within the bounds of the three exscinded Synods in the State of New York, may be judged of by the perusal of the following letter of the venerable and lamented Doctor Richards, written in Nov., 1838, and addressed to the Rev. Joseph C. Stiles, D.D., late pastor of the Mercer Street Presbyterian Church, in the city of New York, then residing in Kentucky.

"November 13, 1838.

"*To the Rev. J. C. Stiles:*

"My Dear Sir:—I regret that my engagements will not allow me to give you a full and detailed account of the ecclesiastical affairs of Western New York. All I can do is briefly to reply to your several queries. You ask, first,

What is the degree of our corruption in doctrine and order around me, in my judgment.

"I belong to the Synod of Geneva, which embraces two hundred and one churches—one hundred and forty organized with a session on strictly Presbyterian principles, and sixty-one which have no session, but which make use of our Book of Discipline in their church courts, and submit their acts and doings to the supervision of Presbytery as much as if they had a session. They are, in fact, Presbyterian churches with a defective organization. Instead of doing their business by means of a bench of Elders, they do it by assembling the male communicants, after the Congregational method. One of our Presbyteries, which has under its care thirty-nine churches, has but two which are not strictly Presbyterian. Another, embracing twenty-five churches, has not a single church without a regular session.

"Presbyterianism is popular in this part of the country, and with a little kind and prudent management, it might become universal. Nothing but the untimely fears and mistaken policy of some of the good brethren in other parts of the church, has prevented it from becoming far more prevalent than it really is.

"As to corruption in doctrine, I know of none which is deep and fundamental among the ministers and churches which stand connected with our Synod. The ministers have all solemnly professed to receive the Confession of Faith, and the Catechism of our church, as containing that system of doctrine which is taught in the Holy Scriptures. At the same time, I do not suppose that they consider this as amounting to a declaration that they receive every proposition included in this extended confession, but such things only as are vital to the system, and which distinguish it from Arminianism, Pelagianism and Semipelagianism. They believe in the doctrine of *total depravity* by nature—*Regeneration* by the Sovereign and efficacious influence of the Holy Spirit,—*Justification* by the righteousness of Christ, as the

only true and meritorious cause—the *perseverance* of the saints, and the *interminable punishment* of the wicked. They have no scruple about the doctrine of particular and personal election, but maintain it firmly as a doctrine of the Bible which ought to have a place in the instructions of the pulpit.

"As to our churches, their opinions may be learned from the brief confessions they use in admitting members to full communion. It is the custom in this part of the country, when a person is admitted to the fellowship of the church upon his own confession, to require a public assent to a creed embracing all the great leading doctrines of the Gospel, as well as his solemn and explicit engagement to lead a life of devoted piety. It is common for each Presbytery to supervise the creeds made use of by the churches under its care. Knowing this to be the fact, I addressed a letter to each of the Presbyteries in the bounds of the four exscinded Synods, requesting them to state whether these confessions, employed at the admission of members to their communion, were conformable in their tenor and spirit to the Confession of Faith and Catechism of our church, desiring them at the same time to send me a sample of them. The answer I received was, that these brief formulas fully accorded with the Confession of Faith of the Presbyterian Church. I have now before me twenty-six of these confessions from as many Presbyteries; and if I have any judgment as to what belongs to orthodoxy, they are sound as a roach, with the exception of the article on Atonement. They favor the idea of general atonement, as John Calvin and the early Reformers did. Some, I suppose, would regard this as deviating from our standards; but, aside from this, I do not believe that Dr. Green himself would find any fault with these confessions. I say this confidently with respect to them all, *one alone* excepted. In one of these confessions there was not so full a recognition of the Divine decree extending to all events absolutely as I could desire, and yet the language of Scripture was employed, which asserts that God governs or works all things after the

counsel of his own will. Is it to be supposed that ministers would *demand*, or the people from time to time would *give their public* and *solemn assent* to these confessions, if they were far gone in heretical opinions? Can you get people in our Methodist Churches to subscribe to strong and pointed Calvinistic formulas, supposing that their ministers were willing and desirous that they should?

"But if this be a true state of the case, whence the alarm which has pervaded every part of the Presbyterian Church, with respect to our Arminianism, Pelagianism, Perfectionism, and I know not what? Has there been no ground for the fears and suspicions which have been entertained? I cannot conscientiously say that I think there has been none. A state of things has existed which excited apprehensions that some were departing from the faith once delivered to the saints.

"During the excitements which prevailed under the labors of Messrs. Burchard and Finney, and their associates, things were said and done which had better have been avoided. A new style of preaching was introduced, new measures adopted and advocated, and occasionally new opinions advanced touching the prayer of faith, the method of the Spirit's influence in conversion, and the best method of securing that influence and promoting the conversion of sinners. No direct encroachment, however, was made upon any of the great doctrines of the Gospel. These were cheerfully admitted, and some of them distinctly and powerfully inculcated. But a notion was imbibed that the doctrine of election, and of the sinner's dependence on Divine influence, and some other doctrines of the Calvinistic system, had heretofore been urged out of due proportion, and that more ought to be said of the sinner's immediate obligation to repent and believe. In pressing this obligation, they urged the sinner's entire ability to comply with the terms of the Gospel. In a word, they taught sinners *could*, but *would not* repent without special Divine influence. Many believed then, and do still believe, that their language on this subject was unguarded, and

likely to produce an Arminian impression on the hearer That such was the fact in numerous instances, there is no reason to question. Some of Mr. Finney's converts doubted whether he believed in the doctrine of election, and wrote to him, while he was in Boston, to know if he did. He answered that he did believe the doctrine, and that they ought to believe it.

"From the manner, however, in which some of our preachers at that time presented the truths of the Gospel, and especially from the fact that they did not very prominently present some of them at all, there was danger that an Arminian leaven would creep in, and corrupt the faith of the churches. This danger was not lessened by the speculations of the New Haven divines, and by some other dubious writings from New England.

"After all, through the good hand of God upon us, I do not believe that any radical error has taken root among us, and is likely to prevail. I speak of the churches in our own connection. There is scattered through our bounds a set of Christians called Unionists, who hold the doctrine of sinless perfection, and other absurd notions. But they are not of us, and receive no countenance from any of our judicatories. Were you to ask me to name the minister or the church in our Synod who did not fully and unqualifiedly believe in the doctrine of the *total depravity of human nature, in regeneration by the influence of the Holy Spirit, in personal election and justification by faith* through the righteousness of Christ only, I could not do it. I have much the same impressions with respect to the Synods of Utica and Genesee, and the Synod of the Western Reserve; but I am not as well acquainted with the members of these Synods. Still, it is true we do not all see eye to eye. There are shades of difference in some less important matters. What these are, I have neither time nor room to state to you. But allow me, in conclusion, to say, that in my judgment there never was a

greater mistake than that under which our Old School brethren are laboring.

"1st. As to the prevalence of error in the exscinded Synod.

"2d. As to its cause. The state of belief is not as they suppose it. Nor do the errors which have been supposed to exist owe their origin to any such cause as they ascribe them to. They seem to think that Congregationalism has done all the mischief. It has had no more influence in the case than the moons of Jupiter. Our Congregational Churches, as a general fact, are the most stable and thoroughly orthodox churches we have. But my sheet is full, and I have only room to say, that I left the Constitutional Assembly last Spring, from ill health alone.

"With much affection, I am truly yours,

"James Richards."

No one will dare affirm that the testimony of Doctor Richards is unworthy of credit. His veracity and Christian character were above suspicion, and his sources of information respecting the doctrines preached by the ministers and embraced by the churches connected with the Synods of Utica, Geneva and Genesee, abundant. In view of his testimony contained in his letter to Doctor Stiles, and the repeated declarations of bodies, composed of Constitutional Presbyterians, it would really seem that the charge of heresy among them should have ceased, and the exscinding acts of 1837 been *rescinded*. Such is not the fact. The acts of which we complain are unrepealed, and the cry of heresy is still continued. In 1848, a work appeared, entitled "Differences between Old and New School Presbyterians," by the Rev. Lewis Cheesman of Rochester, with an introductory and commendatory chapter by the Rev. John C. Lord, D.D., of Buffalo. This work has been lauded by the organs of the exscinding Assembly as a seasonable and highly important publication. In it he charges those whom he is pleased to call New School Presbyterians, with dupli-

city and insincerity, denying the doctrine of native depravity, making void the Spirit's dispensation in the renewal of the heart in the divine image, and maintaining that regeneration is the act of man;—of limiting the nature of the atonement, denying that Christ died to satisfy the law and justice of God, and justification by His righteousness, and affirms that the revivals which take place under their ministry, are the work, not of God, but of men. It is truly surprising and deeply afflictive that such charges continue to be brought against men who have often publicly and solemnly denied them. Are Constitutional Presbyterians destitute of common veracity—perjured men, who, under the solemnity of ordination vows, give their assent to formulas of doctrine which they do not believe? We are persuaded *many* of our brethren of "the new-basis" Assembly would not affirm that they are. How they can hear men in whom they profess to have confidence thus branded as heretics and neglect to bear testimony against these base calumnies, is truly strange and mysterious. In the estimation of the Great Head of the Church, it is not a light thing for one branch of it falsely to accuse another, and hold its ministers up before the public as "blind leaders of the blind," and unfit to be entrusted with the care of souls. Our exscinding brethren seem to have forgotten that a written constitution is binding upon those who profess to adopt it, and that the ninth commandment has never been repealed.

That the views of Constitutional Presbyterians respecting a few points of doctrine differ from those who are continually reiterating the charge of heresy against them, is not denied. And it is equally true that the latter also are very far from being agreed among themselves. Some of them believe in the identity of the posterity of Adam with him in his first transgression; others that there was a literal transfer of his sin to them, as also of the righteousness of Christ to His people. These, however, are not the views entertained by the Professors in the Theological Seminary at Princeton, and it is

presumed of a large majority of those who claim to be the only conservators and expositors of the truth in the Presbyterian Church. The doctrine on these subjects, as taught in the Commentary of Professor Hodge, on the Epistle to the Romans and the Biblical Repertory, is, that the posterity of Adam are held *legally responsible* for his sin, and that the righteousness of Christ is placed to the account of those that *believe* in *Him*, so that *they*, for *His sake*, are treated as if they were personally righteous. They also maintain that the sufferings of Christ were not the same either in their nature or degree with those which the elect would have endured, had *they* suffered what their sins deserve. Others maintain that Christ suffered for the elect, the *literal penalty* of the law. Some of them maintain that men by nature have *no ability whatever* to do the will of God; others that the only obstacle to their obedience is their *unwillingness* to obey. And yet all of them, we doubt not, with equal sincerity, adopt "the Confession of Faith and Larger and Shorter Catechisms as containing the *system* of doctrine taught in the holy Scriptures." And Constitutional Presbyterians do the same, notwithstanding they differ from them upon a few points of doctrine. The only ones to which they attach much importance are these. The first respects the connection between the first sin of Adam and that of his posterity. Let them be heard on this subject in their own language in their statement of true doctrine. They say, "By divine constitution, Adam was so the head and representative of the race, that as a consequence of his transgression, all mankind became morally corrupt, and liable to death, temporal and eternal."

We also differ from most of our brethren in connection with the other Assembly, respecting the *extent* of the atonement. With them, we believe none but the elect will be savingly benefited by the death of Christ, but that it was a sacrifice for the sins of the *whole world*, so that *whosoever will*, may be saved.

From a majority of those in connection with the other As-

sembly, we dissent from their views of the *nature* of the inability of unrenewed men to obey the commands of God. They maintain that men by nature have *no ability whatever* to do the will of God,—that they are in the *same sense* unable to do it, that they are to blot out the sun in the heavens or create a world. The views of Constitutional Presbyterians on this subject may be learned from their own language in their statement of true doctrines. They say, "While sinners have all the *faculties* necessary to a perfect moral agency and a just accountability, such is their love of sin and opposition to God and His law, that independently of the renewing influence or almighty energy of the Holy Spirit, they never will comply with the commands of God." Or in other words, they believe the *only* obstacle to their obedience and salvation is, their unwillingness to obey the Gospel and be saved on the conditions which it proposes.

Constitutional Presbyterians do not believe their views on these subjects to be of *no practical importance*, but they have uniformly maintained that the differences between themselves and their brethren respecting them, were such as ought not to destroy mutual confidence and prevent them from dwelling together in unity. Both are agreed in believing the great facts, that the whole race were involved in sin and ruin by the sin of Adam, that the death of Christ is the only and an all-sufficient sacrifice for the sins of men, in its nature strictly vicarious and a satisfaction to divine justice, but that owing to their utter aversion to holiness, and love of sin, by nature, none will ever trust in it for remission and eternal life, but by the special influences of the Holy Spirit.

This is not the place to present at length our reasons for entertaining the views on these subjects which have just been presented. It cannot be irrelevant, however, to show, that men, whose orthodoxy our brethren will not call in question, are substantially agreed with us. Calvin may not always have been consistent with himself when speaking of the influence of Adam's sin upon his posterity. The following language

of the great reformer contains a perspicuous statement of our views on this subject. "When it is said that the sin of Adam renders us obnoxious to the divine judgment, it is *not* to be understood as if *we*, though innocent, were undeservedly loaded with the guilt of his sin; but because we are all subject to a curse *in consequence* of his transgression, he is therefore said to have involved us in guilt." This language is quoted from Book II., Chap. I., of his Institutes. In his commentary on the fifth chapter of the Epistle to the Romans he says, "Some contend our ruin to be effected in such a manner by the sin of Adam, that we persish, not from any fault of our own, but merely because our first father had, as it were, sinned for us. Paul, however," he adds, "expressly affirms that sin is propagated to all those who suffer punishment on its account. And the apostle presses this still closer, when shortly after he assigns a *reason* why all the posterity of Adam is subject to the power of death, namely, because we have all sinned."

Whatever may have been the views of Calvin respecting the extent of the atonement in the early part of his life, near its close when he wrote his commentary on the Romans, in his exposition of the 10th verse of the 5th chapter of that Epistle, he says expressly, "Christ, by his death, according to Paul, reconciled us to God, because he was an expiatory sacrifice by which *atonement* was made to God for the *world*."

In explaining the 18th verse of this chapter, he employs the following language, viz., "Paul makes grace common to all, because it is proposed and declared to all, but in reality not extended to all; for though Christ suffered for the sins of the whole world, and, by the kindness of God, is offered indifferently to all, yet he is not apprehended and laid hold of by all mankind."

On this subject it is unnecessary to adduce the testimony of others, whose orthodoxy is acknowledged by our exscinding brethren, for it has been conceded by their accredited organs that the doctrine of a general atonement is no longer to

be regarded as a heresy. The Biblical Repertory, in its review of "The Act and Testimony," (a document which will be noticed in a subsequent part of this narrative) inquires, "Is it to be expected that at this time of the day, the Assembly would solemnly condemn all who do not hold the doctrine of a limited atonement?" Even the late Doctor Greene, of Philadelphia, one of the distinguished leaders of the self-styled reform party, which rent the Church asunder, in a sermon, which he delivered Dec. 14th, 1836, said, "All who hold to *real* atonement are agreed in everything that is *material.*" We would fain hope no one hereafter will ring the alarm-bell of heresy for the purpose of summoning the Church to the work of thrusting out of her pale believers in a general atonement.

After having placed a few testimonies before our readers to show that the *only* inability to do the will of God, of which the impenitent are the subjects, consists in their unwillingness to do it, we trust no attempt will be made to place the fearful brand of heresy upon us for agreeing with them. Dr. Twiss, the Prolocutor of the Assembly of Divines, who framed our Confession of Faith and Catechisms, will be regarded by all as an unexceptionable authority. He says, "The inability to do what is pleasing and acceptable to God, is *not* a *natural*, but *moral* inability. The *natural power* of doing anything according to our will, is preserved to all, but *not moral power.*"

Howe was a personal friend of Dr. Twiss. He says, "For notwithstanding the soul's natural capacities before asserted, its moral incapacity, I mean its wicked aversation from God, is such as none but God Himself can overcome, nor is that aversation the less culpable for that it is so hardly overcome, but the more. It is an aversation of will; and who sees not that every man is more wicked, according as his will is more wickedly bent? Hence his impotency or inability to turn to God, is *not such* that he *cannot* turn if he *would*; but it consits in this, that he is *not willing.*"

Dr. Watts, an eminent divine and the prince of evangelical poets, says, "Man has lost, *not* his *natural power* to obey the law; he is bound then as far as natural powers will reach. I own his faculties are greatly corrupted by vicious inclinations, or sinful propensities, which has been happily called by our divines, a *moral inability* to fulfil the law, rather than a *natural impossibility* of it."

Matthew Henry, the eminent commentator on the Bible, in his exposition of Ezekiel 18: 31, says, "The reason why sinners die, is, because they *will* die, they *will* go down the way that leads to death, and not come up to the terms on which life is offered. St. Austin," he remarks, "well explains the precept; 'God does not command impossibilities, but admonishes us by His command to do what *is* possible, and seek what is not.'"

Dr. Witherspoon was no heretic, even our accusers "themselves being judges." In his sermon on the yoke of Christ, he uses this language—"Now consider, I pray you, what sort of inability this is. It is *not natural*, but *moral*. It is *not* want of *power*, but *inclination*. Nothing is required of us that is unsuitable to our situation, or above our *natural powers;* so far from it, that even what *was* our duty before, if by any accident, it becomes impossible in *this sense*, it ceases to be a duty."

These quotations make it abundantly evident that Constitutional Presbyterians, in respect to the most important points concerning which they differ from their accusing brethren, embrace no novelties. They have been believed and publicly taught by some of the most eminent divines of the last two centuries. If we be still denounced as heretics for embracing them, we have the consolation of finding ourselves in excellent company;—with men "of whom the world was not worthy." And we believe the language of "the Confession of Faith" legitimately admits of an interpretation consistent with the views of the doctrines just stated. We therefore cordially adopt it "as containing the *system* of doc-

trines taught in the Holy Scriptures." We do it in conformity with the *spirit* and *letter* of the adopting act of 1729, which has before been quoted. And we utterly repudiate the name of New School Presbyterians, by which maligners have attempted to bring odium upon us. In respect to the adoption of the Confession of Faith, as a standard of doctrinal belief, we are *Old-School* Presbyterians, and those who falsely accuse us, are the *New*. Subsequently, we are confident it will appear this is the fact also in reference to our strict adherence to the Form of Government.

Chapter Fourth.

THE ALLEGED, SHOWN TO BE, NOT THE REAL NOR CHIEF REASONS FOR THE EXCISION OF THE FOUR SYNODS.

It cannot, we think, be deemed an unauthorized assumption to say, that any one who has read the preceding chapters with candor and attention, must have come to the conclusion that the reasons assigned by the authors and defenders of the exscinding acts, could not have been the *chief* ones for a procedure so manifestly unconstitutional and oppressive. The conviction of every such reader of the foregoing pages, we believe, must be that their authors were urged to the performance of them by *other*, and, in their judgment, at least, *stronger* reasons than those by which they have attempted to justify them. The following considerations constrain us to believe such was the fact.

1. Had the unconstitutionality of "the Plan of Union," as they allege, been the *chief* ground for cutting off the four Synods, they would have felt constrained, in like manner, to cast out the Synods of Albany, New Jersey and Illinois. These Synods had churches under their care, whose discipline was conducted upon Congregational principles. These churches sent committee-men to their respective Presbyteries, and in some instances, to the higher judicatories, who were admitted to all the rights of ruling elders. Instead, however, of casting them out of the church with the four Synods before named, the Assembly merely passed the following resolutions respecting them, viz. :—

"*Resolved*, 1. That the Synods of Albany and New Jersey be enjoined to take special order in regard to the subject of irregularities in church order, charged by common fame upon some of their Presbyteries and churches. 2. That the Synod of Illinois be enjoined to take special order in regard to errors in church order, and errors in doctrine, so charged upon several of its Presbyteries."—*Minutes of the Assembly of* 1837, *pages* 496, 497.

If the *alleged* were the *real* reasons for casting out of the Presbyterian Church the four Synods, why did they not in like manner cast out the three Synods named in the resolutions just quoted? Concerning Presbyteries embracing churches thus constituted, the exscinders made the affirmation, "This Assembly can recognize no Presbytery, thus constituted, as belonging to the Presbyterian Church."—(*Minutes of the Assembly, page* 451). Had they been governed by the principle laid down in this quotation in cutting off the four Synods, they could not have suffered those of Albany, New Jersey, and Illinois to remain in the bosom of the church. They would have thrust them out, and with the Synod of New Jersey, the Professors in the Theological Seminary at Princeton, as they did the Professors in the sister Institution at Auburn. In view of these facts, who can believe that the alleged unconstitutionality of "the Plan of Union" was a *governing* motive with the Assembly in declaring the four Synods no longer in connection with the Presbyterian Church in these United States?

2. Equally evident is it that departures from Presbyterian order and errors in doctrine, could not have *controlled* the leaders of the High Church Party in procuring the passage of those acts. That *some*, who voted for them, and others who have attempted to justify them, had been made to believe many of the churches in the disowned Synods were guilty of the disorders and heresies laid to their charge, is undoubtedly true. A little candid and patient examination of facts, however, would have furnished them abundant evi-

dence that they had been misled by statements either *wholly* without foundation, or *grossly exaggerated.* To our certain knowledge, men have been left undisturbed, and are now in good standing in their body, who employed the same measures to promote revivals, the use of which within the bounds of the ejected Synods, was asserted to be one of the strong grounds for their excision, while others, who never resorted to, but firmly resisted them, were ruthlessly thrust out of the church. It is also a fact of equal notoriety, that they have scores, if not hundreds of ministers in their branch of the church, whose doctrinal creed is the same with that contained in the "statement of true doctrine" presented by the minority of the Assembly to that body, and which was reaffirmed by the Auburn Convention. Had the reprobated measures and alleged departures from sound doctrine been, as the ruling spirits in the Assembly affirmed, one of the *chief* grounds for declaring the four Synods out of the Presbyterian Church, they would have cast out *all* who were obnoxious to the same charges.

Moreover, only a few years previous to the division of the church, men whose orthodoxy the leaders of the professed reform party would be slow to call in question, gave their decided testimony in favor of the soundness in the faith of the great body of her ministers and members. The editor of "The Western Luminary," a paper decidedly in the interests of the exscinders, published "the Act and Testimony," accompanied with these remarks: "We give it simply as an article of news,—a portion of the history of the times. We think it but due, however, to the ministry and eldership of this region, to state, that so far as our acquaintance extends, we know of *no one* who holds *any* of the doctrinal views which are justly designated as errors in 'the Act and Testimony.'"*

The conductors of the Biblical Repertory, in their review

* "Western Luminary," of Aug. 13th, 1834, as quoted by H. Woods in his history of the Presbyterian Controversy, page 69.

of "the Act and Testimony," after having expressed their firm belief that no such crisis as that mentioned in that document existed, say, "We have not the least idea that one-tenth of the ministers in the Presbyterian Church would deliberately countenance and sustain the errors specified. We believe, indeed, that there is a number of men in our church who hold doctrinal opinions which ought to have precluded their admission, and who should now be visited by regular ecclesiastical process. But we believe the number to be comparatively small." In a subsequent part of their review, after expressing their pleasure that one Presbytery in which they knew there was not "a single adherent of the Old School, had refused to ordain a candidate, who held the popular errors on depravity and regeneration," they say, "There are not wanting other decisive and cheering intimations that the portentous union between the New Divinity and the New Measures, which threatened to desolate the church, has, at least for the present, done its worst."

The sentiments expressed in the preceding quotations from "The Western Luminary," and the "Biblical Repertory," concerning the state of the Church, were undoubtedly correct. If so, no small share of credulity is required to induce the belief, that with well-informed men, the reasons assigned for the excision of the four Synods were the *controlling* ones in the performance of an act wholly unauthorized by the constitution of the Church, and so arbitrary and oppressive. And let it not be forgotten that it was but three years previous to the passing of this act, that the testimonies just cited were given. Admitting that dangerous errors actually existed in the Church to the extent supposed by the Editors of the Repertory, can it be believed they could, in that brief period, have so increased as to constitute a principal motive for casting out of the Church so large a portion of her ministers and members? Only a year previous to that disorganizing and unrighteous procedure, the conductors of the Repertory did not believe they had increased at all. In

their review of the proceedings of the Assembly of 1836, they say, "Our faith in the orthodoxy of the great body of the Presbyterian denomination, much as we disapprove of the acts of the majority of the late Assembly, remains unshaken; and we feel satisfied that it requires nothing but wisdom, union, and efficiency on the part of the orthodox, to make the fact abundantly evident."—*Vol. 8th, page* 473.

To these statements respecting the orthodoxy of the great body of the Church, we give our unqualified assent, and apply the inquiry of the reviewers respecting its state in the interval of the Assemblies of 1835 and 1836, to its state in the intervening year between the Assemblies of 1836 and 1837. "Has the state of the Church materially changed during the last twelve months?" We answer the inquiry in their own language. "This cannot be pretended." In view of the facts which we have placed before our readers, we leave them to decide whether, in the circumstances, it were possible for the ruling spirits in the Assembly of 1837 to have been *wholly* or even *chiefly* influenced in casting the four Synods out of the Church, by a desire to promote its purity, order and peace.

Chapter Fifth.

THE REAL GROUNDS OF THE PASSING OF THE ACTS OF EXCISION, STATED.

In order to gain a knowledge of the *real* causes of the acts which rent the Church asunder, some of the facts of its previous history must be examined.

"It will be found upon a reference to the history of bygone days, that on the 6th day of April, 1691, the Presbyterian and Congregational denominations of Christians, in Great Britain, met at Stepney, and there by the blessing of Almighty God, after talking over their differences, and their agreements, consummated a union of the two denominations, by adopting what was the then called 'HEADS OF AGREEMENT,' embracing a few cardinal principles, which were to govern them in their fraternal intercourse."—*See Minutes of the Constitutional Assembly, page* 56.

The first Presbytery in America was formed in 1704, "by the name of the Presbytery of Philadelphia, upon the liberal principles which governed the London Association," and was composed partly of Presbyterian and partly of Congregational ministers and churches. The Rev. Jedediah Andrews, the first pastor of the First Presbyterian Church in Philadelphia, was one of the original members of this Presbytery. He was a native of New England, and decidedly favorable to Congregational Church government.

In 1716 "the Synod of Philadelphia was formed out of the Presbyteries of Philadelphia, New Castle, Snow Hill

and Long Island, the last three having grown up after the formation of the first in 1704."

See Minutes of the Constitutional Assembly, page 56 *; also the late Dr. Miller's Catechism on the "Rise, Progress and Present State of the Presbyterian Church in the United States," in manuscript, prepared for the use of his pupils.*

"Fourteen years after the formation of the Synod of Philadelphia, the Rev. Mr. Andrews, in a late letter to Mr. Prince, says, that in the then existing state of things, 'we call ourselves Presbyterians, none pretending to be called Congregationalists, and our ministers are all Presbyterians, though most of them are from New England.'"

During all this period, the Church of Scotland, instead of imbibing the liberal principles of the age, which had resulted in the fraternal union of 1691, in London, and in the establishing of a modified Presbyterianism in America, still adhered to her arbitrary principles, as will appear from the fact, that during the reign of Queen Anne, in 1712, only four years before the formation of the Synod of Philadelphia, they solemnly bore their testimony against religious toleration.

In 1724, those ministers from Scotland who came over to this country, and who, in the language of the Rev. Dr. Miller, "were desirous to carry into effect the system to which they had been accustomed in all its extent and strictness," began to insist that the entire system of the Scottish Church be received in this country.* This demand led to the adopting act of 1729, which was a return to (or reaffirmation of) "the liberal principles of 1691, upon which the Presbyterian Church in America was based, and is as follows: 'Although the Synod do not claim or pretend to any authority of imposing our faith on other men's consciences, but do profess our just dissatisfaction with, and abhorrence of such impositions, and *do not only disclaim all legislative power and authority in the Church,* being willing to receive one another as Christ has received us to the glory of God, and admit to fellowship

* See Dr. Miller's Catechism just referred to.

in Church ordinances all such as we have grounds to believe that Christ will, at last, admit to the kingdom of heaven, yet we are undoubtedly obliged to take care that "*the faith once delivered to the saints*" be kept pure and uncorrupt among us, and so handed down to our posterity; and do therefore agree, that all the ministers of this Synod, or that shall hereafter be admitted to this Synod, shall declare their agreement in and approbation of the Confession of Faith, with the Larger and Shorter Catechisms of the Assembly of Divines at Westminster, as being in *all essential and necessary articles*, good forms and sound words, and systems of Christian doctrine, and do also adopt the said Confession of Faith and Catechisms, as the confession of our faith. And we do also agree that the Presbyteries within our bounds shall always take care not to admit any candidate for the ministry into the exercise of the sacred functions, but what declares his agreement in opinion with *all the essential and necessary articles* of said Confession, either by subscribing the said Confession of Faith and Catechisms, or by verbal declaration of his assent thereto, as such minister or candidate shall think best. And in case any minister of this Synod, or any candidate for the ministry, shall have any scruples with regard to any article or articles of said Confession of Faith or Catechisms, he shall, at the time of his making such declaration, declare his sentiments to the Presbytery or Synod, who shall, notwithstanding, admit him to the exercise of the ministry within our bounds, and to ministerial communion, if either the Presbytery or Synod shall judge his scruples or mistakes to be only about articles *not essential and necessary* in doctrine, worship, or government. But if the Synod or Presbytery shall judge such minister or candidate erroneous in *essential* and *necessary* articles of faith, the Synod or Presbytery shall declare him incapable of communion with them. And the Synod do solemnly agree, that none of us will traduce or use any opprobrious terms toward those who differ from us in those extra essen-

tial and not necessary points of doctrine, but treat them with the same friendship, kindness and brotherly love, as if nothing had happened.' "—*Minutes of the Constitutional Assembly*, 1839, *pages* 56, 57.

This instrument does immortal honor to its authors and those who received it as a bond of Christian union and fellowship It provides for the preservation, " pure and entire," of the *system* of doctrine embraced in the Confession of Faith and Catechisms. To errors which are subversive of this system it gives not the least approval or even toleration, and at the same time admits what is undoubtedly true of every human symbol of doctrinal belief, equally extensive and minute in its details, that it embraces some things in regard to which those who sincerely adopt it, may lawfully differ. It likewise bound those who adopted it, to treat each other, their minor differences notwithstanding, with Christian courtesy and brotherly affection. It is difficult to conceive how it could have been better adapted to keep " the unity of the Spirit in the bond of peace." Had the Presbyterian Church in this country been governed by the pacific and magnanimous principles of this act, she would at this time have been a united body, presenting to the world the lovely and commanding spectacle of brethren dwelling together in unity, and consecrating their united energies to the advancement of the kingdom and honor of her enthroned and glorified Head. But unhappily other counsels and a widely different spirit prevailed.

" In 1730 we find the Presbytery of Newcastle, in the face of these conciliatory measures of the Synod, adopting the Confession of Faith and Catechisms, as being in *all things* agreeable to the word of God—and in 1732, the new Presbytery of Donegal followed their example, and promised ' forever thereafter to adhere thereto.'

In 1736 that party who were in favor of the strong measures of the Scottish Church, had gained so much ascendency, that they brought a majority of the Synod to follow

the example of the two Presbyteries of Newcastle and Donegal, and adopt the Confession, Catechisms and Directory of the Westminster of Divines ; without alteration or exception, thus establishing the power of the civil magistrate to control Synods and persecute the Church."—*Minutes of the Constitutional Assembly*, 1839, *page* 57.

As might have been expected, "this rash departure from the tolerant and fraternal principles of 1691 in England, and of 1729 in America," was followed by most disastrous consequences. The parties reposed but little confidence in each other, and their mutual complaints and criminations produced alienation and strife. These evils were greatly increased by diversity of opinion on other points of great practical importance. The ultra Presbyterians, who had succeeded in securing a majority of votes in the Synod in favor of a rigid adherence to the Confession of Faith, Catechisms and Directory in every minute particular, were exceedingly lax in their views respecting the importance of vital piety as a qualification for membership in the church and the Christian ministry. In candidates for the former, they required doctrinal knowledge, and in those for the ministry, learning and an unqualified assent to the Westminster Confession, but opposed the strict examination of both in regard to their acquaintance with experimental religion. The other party, convinced that vital piety is of *paramount* importance, insisted that the examination of candidates for church fellowship and the sacred office of the ministry, should be more strict respecting the reality of their conversion to God, than the other qualifications concerning which their brethren were so strenuous and unyielding.*

During this unhappy state of things, the Rev. George Whitefield paid his second visit to this country. His labors, and the extensive and glorious revivals of religion which they were instrumental in producing, were the occasion of

* See Doct. Miller's Catechism before referred to, also the "Great Awakening," by the Rev. Joseph Tracy, pages 22, 23.

greatly increasing the dissensions which for years had agitated the church, and producing a wider separation of the parties. The ultra Presbyterians refused to admit Whitefield to their pulpits, pronounced him a wild enthusiast, and the revivals which attended his ministry, mere fanatical excitements. The more liberal and pious portion of the church regarded Whitefield as a devoted and highly honored servant of God, rejoiced in his success, and encouraged and assisted him in his labors.*

These dissensions concerning the manner of adopting the Confession of Faith, the necessity of experimental religion as a qualification for membership in the church and for the Christian ministry, the labors of Whitefield and the religious interest which they were instrumental in producing, brought on the crisis which, in 1741, resulted in the division of the Synod, and in 1745 in the erection of the Synod of New York. The latter body, however, was not made up exclusively of the Old and New England element in the church. The Blairs, Tennents, Doctor Finley, and others of the Stotch and Irish and their descendants, strongly opposed the intolerance of the high church party, zealously co-operated with Whitefield, and blessed God for the signal displays of His grace in the revivals which attended his ministry. That these men were not, as their opponents represented them, fanatics and opposed to learning in the ministry, is evident from the fact that soon after the division of the Synod, they took measures to found the College of New Jersey, for the express purpose of providing the means of a thorough education to candidates for the sacred office.

The unhappy schism of 1741 lasted seventeen years. At the expiration of this period, the Synods were united upon the liberal and tolerant principles of the adopting act of 1729, and took the name of the Synod of New York and Philadelphia. Had these principles been adhered to, the Presbyte-

* See Doct. Miller's Catechism before referred to, and Tracy's history of the Great Awakening, Chapter 5th.

rian Church in these United States would have remained to this day a united body.

Very soon after the commencement of the present century, the same intolerant spirit exhibited itself by violent opposition to what was denominated Hopkinsianism or New England Divinity. It is believed few comparatively either *in* or *out* of New England, embraced the views of Hopkins respecting the agency of God in the production of moral evil and a conditional willingness to be banished from Him and made eternally miserable. These, however, were the only important differences between *his* theological views and those of Edwards, Bellamy and other leading divines of New England. The chief differences between the doctrinal views of these men and the rigid portion of the Presbyterian Church, related to the direct imputation of Adam's sin to his posterity, the extent of the atonement, and the nature of the inability of the unregenerate to do the will of God, as stated at the close of the 3d chapter of this history. The ultra Presbyterians, however, resolved that departures from their interpretation of the Confession of Faith and Catechisms, respecting these points, should not be tolerated. And their language toward their brethren, who differed from them, sometimes seemed to indicate a settled determination to destroy their reputation and usefulness. Take the following extract from the pastoral letter of the Synod of Philadelphia in 1816, as a specimen.

"The Synod assembled in Lancaster at the present time, consists of a greater number of members than have been convened at any meeting for many years; and from the free conversation on the state of religion, it appears, that all the Presbyteries are more than commonly alive to the importance of contending earnestly for the faith once delivered to the saints, and of resisting the introduction of Arian, Socinian, Arminian and Hopkinsian heresies, which are some of the means by which the enemy of souls would, if possible, deceive the very elect. May the time never come when our

ecclesiastical courts shall determine that Hopkinsianism and the doctrines of our Confession of Faith are the same thing, or that men are less exposed now than in the days of the apostles to the danger of perverting the right ways of the Lord."—*H. Wood's History of the Presbyterian Controversy, page* 46.

The intolerant spirit of this letter was not confined to the body which issued it. It prevailed in other sections of the church. In the city of New York it was no less clearly developed. As the respected pastor of the Brick Church in that city, and other members of the Presbytery of New York, were known to agree with the New England divines respecting the influence of Adam's sin upon his posterity, the extent of the atonement and the nature of the sinner's inability to obey the Gospel, great efforts were made by those who differed from them to impair confidence in their orthodoxy. They were represented as embracing and preaching doctrines highly dishonorable to God, and dangerous to the souls of men.

Discerning men then clearly foresaw what must be the result of the prevalence of this intolerant spirit in the church. An able writer of that period remarked, "Among the unhappy effects likely to result from the measures recently taken, we may well consider the gloomy prospects which threaten to spread over the whole body of professing Christians in the United States. How terrible and shocking the thought that Christian brethren, friends and neighbors, united for years in the strictest bonds of amity, must be severed under the charge of heresy! Many churches must be torn and agitated with fierce disputes, and probably rent asunder; churches must be cast out of Presbyteries, and perhaps Presbyteries out of Synods. And what appearance would the Presbyterian Church make, torn with divisions, distracted by disputes, rent with schisms, palsied by animosities, and branded with the name of a persecutor?"

The sad catastrophe which the author of this quotation

seemed then to anticipate as near, was averted. The storm gradually subsided, and some of the most strenuous opposers of what had been denominated Hopkinsian heresies seem, before the division of the church, to have been fully convinced that they are not fundamentally at variance with its standards. Of this number was the venerable Doctor Greene. In an article, published in "the Christian Advocate of 1831," when speaking of the "Old Hopkinsians," he said, "Their brotherhood has been cordially admitted, although a difference in some *minor* points of doctrine is distinctly recognized." In their branch of the church, they have now, and have had ever since the division in 1837, men of this class, whose soundness in the faith they do not pretend to question. This fact, it would seem, must be sufficient to convince all unprejudiced persons that the differences respecting doctrine between the rigid interpreters of the Confession of Faith and those who entertained the views of Edwards, Bellamy and Hopkins, could not have been the *chief* grounds for exscinding the four Synods. Nor could the errors, specified in the Act and Testimony and the Memorial of the Philadelphia Convention, and alleged in those documents to be alarmingly prevalent in the church. The statement of true doctrine in opposition to those errors, presented by the minority of the Assembly, furnished conclusive evidence that the great body of those whom they represented utterly repudiated those errors, and held them in equal detestation with those who bore their testimony against them. That the strong desire and settled determination of the latter, to make all adopt their interpretation of the Confession of Faith, had *much* to do with the division of the church, is undoubtedly true, but we are persuaded that this *alone* would not have brought about the catastrophe. The spirit of intolerance, which manifested itself respecting doctrine, was more strikingly exhibited in efforts to control the benevolent operations of the church.

Of this fact a brief history of the controversy between the

advocates of Ecclesiastical Boards and Voluntary Societies for spreading the Gospel, will funish conclusive proof.

Previous to the commencement of the present century, the General Assembly appointed a Standing Committee of Missions. It did but little, however, toward accomplishing the great work of evangelizing our country, which, considering her numbers, intelligence, and wealth, really belonged to the Presbyterian Branch of the great family of believers in the United States. For the purpose of prosecuting the work of home evangelization with more vigor, in 1816, the Assembly organized a Board of Missions. After it had been in operation eight or nine years, it was clearly perceived by discerning and pious men in those denominations which patronized the A. B. C. F. Foreign Missions, that something on a greatly enlarged scale ought to be done for supplying the destitute in our own country with the preaching of the Gospel. Extensive correspondence and consultation on this subject resulted in a conviction of the importance of organizing a National Society for the prosecution of this work. This plan was warmly recommended by some of the most distinguished men in the Presbyterian Church. In writing to the Rev. Dr. Peters, the first Secretary of the A. H. Missionary Society, respecting its organization, the Rev. Drs. Alexander and Miller employed the following language:—

"Rev. and Dear Sir,—We rejoice to hear that there is a plan in contemplation for forming a Domestic Missionary Society, on a much larger scale than has heretofore existed. We have long been of the opinion that the subject of Domestic Missions is one which ought to interest the hearts, and to rouse the exertions and prayers of American Christians to an extent which very few appear to appreciate. Our impression is, that unless far more vigorous measures than we have hitherto witnessed shall be soon adoptod for sending the blessed Gospel and its ordinances to the widely extended and rapidly increasing new settlements of our country, their active and enterprising population must, at no great distance

of time, be abandoned to a state not much short of entire destitution of the means of grace. We would fain hope that no Christian who loves the Redeemer's kingdom, and reflects on the value of immortal souls; no parent who remembers that his own children, or children's children, may, in due time, make a part of the population of those districts; no patriot who desires to see the virtue, peace, union, and happiness of his country established, can possibly be indifferent to an object of such immense importance. Our prayer is that the God of all grace may rouse the spirit of the nation on this subject; and that the friends of religion who may be convened for the purpose of taking it into consideration, in the month of May next, may be directed to the adoption of a system which shall serve to give increasing interest and energy of proceeding in this momentous concern, and prove a source of lasting blessings to our beloved country."

On the 10th of May, 1826, a convention of one hundred and twenty-six delegates from the Congregational, the Reformed Dutch and Presbyterian Churches, was held in the city of New York, to take into consideration the propriety and importance of forming a National Society for prosecuting the work of Domestic Missions. After due consultation, they organized the A. H. Missionary Society. The plan of its operations was to sustain ministers in good standing in their Association, Classis, or Presbytery, in feeble churches belonging to either of those denominations with which they might be connected. Of the one hundred and twenty-six delegates in the Convention which organized the Society, seventy were from the Presbyterian Church. For several years it is believed it had the hearty approval of a large proportion of her ministers, and the most intelligent of her lay members. Upon its operations the great Head of the Church bestowed marked tokens of His approbation. But with the leading individuals of the exclusive and intolerant portion of the Presbyterian Church, it soon became an object of suspicion and dislike. Hence, in 1828, only two years

after the organization of the A. H. M. Society, they succeeded in procuring a re-organization of the General Assembly's Board of Missions. By many friends of Domestic Missions in the Presbyterian Church, this measure was looked upon with painful apprehensions. Hitherto she had done very little to furnish the destitute population of our country with the preaching of the Gospel. The A. H. M. Society had commenced the work upon a plan admirably adapted for its safe and efficient prosecution by the three denominations in whose behalf it acted. God had crowned its labors with signal success. In these circumstances the attempted enlargement of the operations of the Assembly's Board of Missions was looked upon by many ardent friends of Domestic Missions in the Presbyterian Church with great anxiety. They were persuaded that the action of two separate and independent general organizations, one of them to a great extent, and the other exclusively conducted by Presbyterians, for the same object, and on the same field, must produce embarrassment to both, and they feared, would greatly retard the work of home evangelization. Supposing their executive officers and agents to be governed by the kindest feelings, it would be difficult to avoid interference in the collection of funds and the appointment of missionaries. For the purpose of preventing the evils which it was apprehended might result from their separate action on the same field, the Executive Committee of the A. H. M. Society, after having conferred with several members of the Assembly's Board of Missions, and ascertained that they were favorable to a union of the two organizations, labored with great zeal, and it seems to us, with equal prudence, to secure it. A due regard to brevity will not allow us to lay before our readers the details of this plan, nor the measures which the Society took to secure its adoption. Those who wish to gain a knowledge of them, we refer to pages 206 and 211 inclusive, of the first volume of the "Home Missionary." A candid perusal of these pages, we think, cannot fail to

produce the conviction that the plan was equitable and wise, and that its authors and advocates were governed by a desire to promote the peace of the Presbyterian Church, and secure the greatest efficiency in prosecuting the work of Domestic Missions. In this light it was viewed by many intelligent and excellent men in the Presbyterian Church, to whose consideration it was submitted. The lamented Dr. John H. Rice, of Virginia, said, "I do greatly approve of the plan proposed by the Executive Committee of the A. H. M. Society. So desirable did this union appear in the West, that the Presbytery of Cincinnati, in 1830, took measures to secure union of action between the Assembly's Board and the A. H. M. Society, on the Western field. Their application to the Board for this object, however, proved unsuccessful. On the 20th of July of that year, they appointed the Rev. J. L. Wilson, D.D., and the Rev. Messrs. John Thompson, James Gallaher, David Root, and F. Y. Vail, a Committee to correspond with the Board respecting union of effort in the West, with the A. H. M. Society. In their communication to the Board, dated July 26th, 1830, they say, "That boath Boards are doing good, much good, we certainly know. We certainly ought to thank God, and take courage from the knowledge of the fact that the Missionaries of your Board have increased in two years from thirty-one to nearly two hundred. And what gratitude is due to God for another fact, that the other Society has nearly four hundred missionaries in the field! Nearly six hundred heralds of the cross aided by these two Institutions!"

After having stated some of the evils which had arisen, and others, which, from their separate and independent action in the West, they feared would arise, they say,

"We appreciate the claims of the Assembly's Board. It, in one form or other, is the oldest Missionary Board in America. It has effected much good, and since its re-organization has been very successful. It is under the watch and control of our highest judicatory. It can elicit and command

funds, which other societies cannot touch. Shall we say, Dissolve and throw your funds into the treasury of the American Home Missionary Society? No, this we cannot, dare not do."

"That Society commenced when the Assembly's Board was not effecting much. They adopted energetic measures, and in a very few years, saw happy results. They are still increasing their exertions and success. And we cannot doubt their assertion, that they have access to funds which would never come into the Assembly's Board. Shall we say to them, Cease to exist; wind up your accounts, and throw your influence into the other Board? This we cannot do. We do not know that God would succeed such a measure. But we do think something may be done. And we have yet to learn what good reason can be urged against a united operation in the Western country. Cannot the two Boards unite in some men in the West whom they can trust as faithful stewards of their beneficence?"

"We feel confident that this communication speaks the sentiments of a large majority of brethren in the West, who have sincerely deliberated on this matter; and we trust we will be able to make this appear in a future communication, if necessary."

See "A Brief Answer to an Official Reply of the Board of Missions of the General Assembly to Six Letters of the Rev. Absalom Peters, entitled, 'A Plea for Union in the West;' also Mr. Peters' Reply to the Rev. Dr. J. L. Wilson's four propositions, sustained against the claims of the American Home Missionary Society."—pages 27–29.

The Assembly's Board, after having considered the communication of the Committee of the Presbytery of Cincinnati, passed the following resolution, viz.:—

"*Resolved*, That while this Board have the highest confidence in the integrity and purity of motives of the Committee of the Cincinnati Presbytery, in the suggestions which they have submitted in respect to a united agency in the

West for conducting missionary operations; and while they sincerely regret that any difficulties and collisions should have arisen in the prosecution of this great and important work, they are, nevertheless, constrained by a sense of duty to many of the churches and Presbyteries in the West, which are already auxiliary to the Board on the plan which has been approved by the General Assembly, as well as by their own earnest desire to pursue such a course as they deem best adapted to secure the permanent peace and tranquillity of the churches, to express their full conviction of the entire inexpediency of attempting to organize such a united agency in the West."—*See pamphlet just referred to, page* 29.

This resolution was followed by a statement of the reasons for deeming the union proposed inexpedient, which is too long to be inserted here.

This official reply of the Executive Committee of the Board of Missions to the communication of the Committee of the Presbytery of Cincinnati, led to the publication in the Cincinnati Journal, in the months of Dec. 1830, and Jan. 1831, of six letters from the Corresponding Secretary of the American Home Missionary Society, entitled, "A Plea for Union in the West." To these letters the Board of Missions made an official reply, dated March 2d, 1831.

These documents are too long to be quoted entire. Those of our readers who are desirous of gaining a thorough knowledge of this controversy, we refer to these documents.

Only a few months after Dr. Wilson signed the letter of the Committee of the Presbytery of Cincinnati, of which he was Chairman, addressed to "the Secretary of the Assembly's Board of Missions," urging it to form a union with the American Home Missionary Society, he issued a pamphlet, in which he attempted to support the following propositions against the Society.

"1st. The Lord Jesus Christ has committed the management of Christian Missions to His Church.

"2d. The Presbyterian Church being one great family of

the church of Jesus Christ, is, by her form of government, organized into a Christian Missionary Society.

"3d. The American Home Missionary Society is not an ecclesiastical, but a civil Institution.

"4th. By interference and importunity she disturbs the peace, and injures the prosperity of the Presbyterian Church."

At the meeting of the General Assembly the ensuing May, the subject of union between its Board of Missions and the American Home Missionary Society was introduced. After considerable discussion the following minute was adopted, viz. :—

"In view of existing evils resulting from the separate action of the Board of Missions of the General Assembly and the American Home Missionary Society, the General Assembly recommend to the Synods of Ohio, Cincinnati, Kentucky, Tennessee, West Tennessee, Indiana, and Illinois, and the Presbyteries connected with the same, to correspond with each other, and endeavor to agree upon some plan of conducting Domestic Missions in the Western States, and report the result of their correspondence to the next General Assembly: it being understood that the brethren in the West be left to their freedom to form any organization which in their judgment may best promote the cause of missions in these States; and also that all the Synods and Presbyteries in the valley of the Mississippi may be embraced in this correspondence, provided they desire it."—*Minutes of the Assembly of* 1831, *page* 189.

Conformably with this resolution a convention from twenty Presbyteries met in Cincinnati, in the month of November next ensuing. A majority of the convention decided against a united agency of Home Missions for the West, and in favor of "the General Assembly's mode of conducting missions." Of this decision the minority complained. They published "A report to the Presbyteries in the valley of the Mississippi;" likewise calling "the attention of the General Assembly

of the Presbyterian Church to some facts connected with the business of the said Convention." In their report they state that the Synod of Pittsburg (not named in the resolution of the Assembly) had "a controlling influence in the Convention." They say, "The votes of that Synod went together, and carried every question which they were pleased to approve; and particularly in regard to several efforts at compromise, that Synod determined their rejection, whereas a decided majority of votes from the suffering Synods were in their favor." They also complained that "the official influence of the Board of Missions" was employed "to prevent union in the West," whereas the compromise of the previous Assembly left the brethren in that region to their own freedom respecting it.

This determined opposition to the A. H. M. Society hastened the general controversy respecting the most eligible method of conducting the various benevolent operations of the church. Most who were in favor of conducting them by boards, under the direct and exclusive control of the judicatories of the Church, especially of the General Assembly, became more decided and zealous in the support of their peculiar policy, and increasingly hostile to the operations within the bounds of the Presbyterian Church, of societies organized and conducted upon the voluntary principle. "The Western Foreign Missionary Society" had been organized a short time before, "within the bounds of the Synod of Pittsburg, under the auspices of that body; having as its formal patrons, all the Presbyteries composing that Synod, together with some Presbyteries belonging to other Synods." This, the most zealous and bigoted friends of ecclesiastical organizations, wished to place under the care of the General Assembly. Some, however, who in the main agreed with them, were not at that time in favor of a Board of Foreign Missions under the control of that body. The A. B. C. F. Missions had been engaged in this work about twenty years, had conducted it with great wisdom and efficiency, and was firmly fixed

in the affections of many friends of missions in the Presbyterian Church. Many who were in favor of the Boards for promoting other objects of Christian benevolence then under the control of the Assembly, did not wish the patronage which the A. B. C. F. Missions, received from the Presbyterian Church, withdrawn. As ample opportunity was afforded by this Board and the Society, under the care of the Synod of Pittsburg, to the friends of missions to the heathen in the Presbyterian Church, to prosecute the work in accordance with their own preferences, they did not deem a Board for this purpose under the care of the Assembly, desirable. These were the views of the venerable Doct. Miller, late Professor in the Theological Seminary at Princeton. In his fifth letter to Presbyterians, published in 1833, after having expressed his approbation of "the Western Foreign Missionary Society," he remarked, "The probability is, that the Western Foreign Missionary Society will not be placed under the direction of the General Assembly, or attempt any resort to that body for patronage. It would be unwise and unhappy to introduce, into the highest judicatory of the Church, another subject of party jealousy and party contention. Such portions of the Church that feel friendly to its existence, and willing to make efforts for its support, will, of course, yield it their patronage, without impeaching the motives of those who may choose to act otherwise, and without the least unfriendly feeling towards other institutions."

Doct. Miller's views on this subject, and those of many others, who then agreed with him, were soon after greatly changed. The advocates for conducting all the benevolent operations of the Church by Boards under ecclesiastical supervision, increased in number, and their policy became more and more exclusive and intolerant. Hence those who were from principle in favor of Voluntary Societies, were laid under the necessity either of abandoning their conscientious preferences or of defending them. A sense of duty constrained them to adopt the latter course. In order to give a

faithful history of this controversy, however, and make our readers acquainted with the real grounds of the passage of those Acts by the Assembly of 1837, which rent the Church asunder, some other extraordinary measures of the ultra party must be noticed.

For several years previous, that of 1835 only excepted, they had been in the minority. At the close of the Assembly of that year, some of the most rigid and intolerant among them, met for consultation. They drew up "The Act and Testimony," which was "addressed to the Ministers, Elders, and private members of the Presbyterian Church in the United States, and signed by thirty-seven Ministers and twenty-seven Elders."

This document is too long to be inserted entire upon these pages. A few extracts will be given, by which the reader may judge for himself of its spirit, tendency and design:

"Brethren, beloved in the Lord:—In the solemn crisis, to which our Church has arrived, we are constrained to appeal to you in relation to the alarming errors which have hitherto been connived at, and now at length have been countenanced and sustained by the acts of the supreme judicatory of our Church.

"Constituting as we do, a portion of yourselves, and deeply concerned, as every portion of the system must be, in all that affects the body itself, we earnestly address ourselves to you in the full belief, that the dissolution of our Church, or, what is worse, its corruption in all that once distinguished its peculiar testimony, can, under God, be prevented only by you.

"From the highest judicatory of our Church, we have for several years in succession sought the redress of our grievances, and have not only sought in vain, but with an aggravation of the evils of which we have complained. Whither, then, can we look for relief but first to Him, who is made Head over all things, to the Church, which is His body, and then to you, as constituting a part of that body, and as in-

struments in His hand to deliver the Church from the oppression, which she sorely feels ?

"In the presence of that Redemer, by whom Paul adjures us, we avow our fixed adherence to those standards of doctrine and order, in their obvious and intended sense, which we have heretofore subscribed under circumstances the most impressive. In the same spirit we do therefore solemnly acquit ourselves in the sight of God, of all responsibility arising from the existence of those divisions and disorders in our Church, which spring from a disregard of assumed obligations, a departure from doctrines deliberately professed, and a subversion of forms publicly and repeatedly approved. By the same high authority, and under the same weighty sanctions, we do avow our fixed purpose to strive for the restoration of purity, peace, and scriptural order to our Church; and endeavor to exclude from her communion those who disturb her peace, corrupt her testimony, and subvert her established forms."

The authors of this extraordinary document, after having thus criminated a large portion of their brethren in good standing in the church, and avowed their purpose to do their utmost to thrust them out of its communion, present a list of truly formidable errors and grievous departures from its discipline and order which they also lay to their charge, and then close with eight recommendations to the churches, the last of which is in these words, viz. :—

"We do earnestly recommend that on the second Thursday of May, 1835, a convention be held in the city of Pittsburg, to be composed of two delegates, a minister, and a ruling elder, from each Presbytery, or from the minority of any Presbytery who may concur in the sentiments of this Act and Testimony, to deliberate and consult on the present state of our church, and to adopt such measures as may be best suited to restore her prostrated standards."

The influence of the Act and Testimony in bringing about the division of the church, gives it an importance far beyond

its intrinsic merits. Respecting the controversy in regard to ecclesiastical Boards and voluntary societies, it is silent. Not, however, for lack of zeal on the part of its authors in favor of the former, and for the utter exclusion of the latter, from the Presbyterian Church, as subsequent events make undeniably evident. They doubtless felt that the work of revolution, (reformation as they call it), upon which they had entered with such uncompromising pertinacity, could be most effectually promoted by ringing the alarm-bell of heresy and gross departures from Presbyterian discipline and church-order. Should they succeed in creating a general panic on these subjects, the entire work at which they aimed could easily be accomplished. That this is not an erroneous and uncharitable statement of their policy and aims, we trust, will be made undeniably evident when we come to notice the results of "the Act and Testimony" in the Pittsburg Convention and the Assembly, which commenced its sessions in that city the week next succeeding that in which the Convention met.

Those on whom this document was designed to cast odium, were grieved and alarmed. They deeply felt that with men not well-informed in regard to their real sentiments and aims, it was calculated to make them objects of unfounded and cruel suspicion. Existing evils in the church, which they had hoped prudence, forbearance, and Christian love would greatly lessen, if not remove, by the sending forth of this document they foresaw must be increased, and that there were just grounds to apprehend it would result in the division of the church. Men of moderation and pacific spirit in the party to which its authors belonged mourned over and condemned it. They regarded it as unauthorized by the actual state of things in the church, as revolutionary in its character, and schismatic in its tendency. The editor of the Western Luminary accompanied its publication with the remark, "We think it due to our brethren of the ministry and eldership of this region to state, that so far as our acquaintance extends, we know of no one who holds any of the doc-

trinal views, which are justly designated as errors in the Act and Testimony."

Our views of the real character and design of this document are clearly presented in the following extracts from a review of it, in "the Biblical Repertory," whose conductors cannot be supposed in the publication of it, to have been influenced by prejudice.

"It would seem to be a very obvious principle, that any individual member of a body has a right to address his fellow-members on subjects affecting their common interests. If he thinks that errors and disorders are gaining ground among them, it is more than a right, it is a duty for him to say so, provided he has any hope of making his voice effectually heard. If such be the case with an individual, it is equally obvious that he may induce as many as he can, to join him in his warnings and counsels, that they may come with the weight due to numbers acting in concert. Had the meeting in Philadelphia therefore been contented to send forth their solemn testimony against error and disorder, and their earnest exhortation to increased fidelity to God and his Truth, we are sure none could reasonably object. Their declaration would have been received with all the respect due to its intrinsic excellence, and to the source whence it proceeded. But when it is proposed to 'number the people;' to request and urge the signing of this testimony as a test of orthodoxy, then its whole nature and design is at once altered. What was the exercise of an undoubted right becomes an unauthorized assumption. What was before highly useful, or at least harmless, becomes fraught with injustice, discord and division. The very design of the effort is to make neutrality impossible."

"Now we say, no man, and no set of men, have the right thus to necessitate others of their own body to adopt *their* sentiments and recommendations, or be considered as the abettors of errorists and anarchists. Here is one of the most serious evils of the whole plan. It makes one a heretic

or an abettor of heresy, not for an error in doctrine, not for unfaithfulness in discipline, but because he may be unable to adopt an extended document as expressing his own opinions on a multitude of facts, doctrines and practical counsels. This is an assumption which ought not to be allowed. It is an act of gross injustice to multitudes of our soundest and best men; it is the most effectual means of splitting the church into mere fragments, and of alienating from each other men who agree in doctrine, in views of order and discipline, and who differ in nothing, perhaps, but in opinion as to the wisdom of introducing this new League and Covenant."

. "Had the ingenuity of man been taxed for a plan to divide and weaken the friends of truth and order in our church, we question whether a happier or more effectual expedient could have been devised.

. "Is it then true that the highest judicatory of our church has 'countenanced and sustained' the doctrine that we have no more to do with the sin of Adam than with the sins of any other parent—that there is no such thing as original sin,—that man's regeneration is his own act—that Christ's sufferings are not truly and properly vicarious? How serious the responsibility of announcing to the world that such is the case! How clear and decisive should be the evidence of the fact, before the annunciation was made and ratified by the signatures of such a number of our best men! Surely something more than mere inference from acts of doubtful import, should be here required. . . . We have not the least idea that one tenth of the ministers of the Presbyterian Church would deliberately countenance and sustain the errors specified."

When speaking of the resolutions contained in the memorial presented to the Assembly, condemning these errors, the reviewers say, "Instead of wondering that a majority of the Assembly did not vote for them, we wonder that any considerable number of voices were raised in their favor, so various are the errors they embrace, and so different in de-

gree; some of them serious heresies, and others opinions (at least as we understand the resolutions) which were held and tolerated in the Synod of Dort, and in our own church from its very first organization. Is it to be expected that at this time of the day, the Assembly would condemn all who do not hold the doctrine of a limited atonement?"

Here is a concession, which ought not to be passed over unnoticed. It is a full admission of the truth of all that has been stated on previous pages of this narrative, concerning the adopting act of 1729 and the tolerant principles of American Presbyterianism in the early periods of its history. *Then*, according to the testimony of the reviewers, diversity of views on some points of doctrine, was tolerated, among which, was the doctrine of general atonement. Provided men received the Confession of Faith as containing the *system* of doctrine taught in the Scriptures, they were accouted sound Presbyterians, though they differed respecting some points of minor importance from their brethren, who received it in *all* its *details* according to the most rigid interpretation of its language. Subsequently the reviewers say,

"We cannot but regard, therefore, the recommendation of this document, that churches and ministers consider certain acts of the Assembly unconstitutional, as a recommendation to them to renounce their allegiance to the Church, and to disregard their promises of obedience."

"Division, then, is the end to which this enterprise leads, and to which we doubt not it aims." In a note, however, the reviewers say, "Since writing the above, we see that this intention is denied in the 'Presbyterian.' We have heard other signers of the Act and Testimony, however, very distinctly avow their desire to effect a division of the Church."

Of the recommendations of the Act and Testimony, they speak in terms of decided disapprobation. They say, "The point now before us, however, is the true nature of its recommendations. We say they are extra-constitutional and revolutionary, and should be opposed by all those who do

not believe that the crisis demands the dissolution of the Church. We do not believe that any such crisis exists."—*Copied from the New York Observer of November 15th*, 1834.

The limits to which we are confined, forbid further extracts from this document. Those which we have made, are quite sufficient to enable the reader to form an accurate judgment of its spirit and design. The Princeton reviewers cannot be supposed to have looked upon it with too unfavorable an eye. The say, it is "fraught with injustice, discord and division;—its recommendations are extra-constitutional and revolutionary;—division is its tendency and aim."

How surprising and deeply to be regretted is it that the Princeton fathers and brethren, and many others, who, when the Act and Testimony first appeared, agreed with them respecting its real character and design, soon after aided in carrying out its revolutionary and divisive measures!

Having shown in what light the Act and Testimony was viewed by the best men of the party to which its author and signers belonged, it may be well to notice the opinions which were formed of it by other denominations. How the Congregationalists of New England regarded it, is sufficiently manifest from the following extracts from a review of it in the 7th vol. of the Quarterly Christian Spectator, published in New Haven, Con.

"What then is this Act and Testimony? It is a new 'Confession of Faith,' or a recently invented test of *orthodoxy*, agreed upon, subscribed, and published, by thirty-seven ministers, and twenty-seven ruling elders of the Presbyterian Church, at the close of the last General Assembly, in Philadelphia. The introduction does not abound in the qualities of conciliation, which some masters of rhetoric tell us, ought to be prominent in this part of a discourse. It is more in keeping with the habits of a western huntsman; for it takes the beast by the horns, at the very outset of the battle. Or, to pass by one bold stride from the wilderness to

the ocean, these 'Act and Testimony' brethren are no sooner embarked, than they nail the flag of nullification to the mast. It cannot for a moment be admitted that the Presbyterian Church, in this country, is in a condition to merit the sweeping denunciation which breathes, or rather *thunders*, in the first sentence of this manifesto."

The reviewers having stated some of the principles of Presbyterian Church government, say,

"Let the 'Act and Testimony,' then, be arraigned at the bar of these principles, and have a fair trial, and receive a righteous sentence. The subscribers of this document begin by a practical renunciation of their whole system; and if their solemn manifesto proves anything, it proves that, 'quoad hoc,' they are not Presbyterians. They have erected a new tribunal, unknown to their standards; and before this voluntary and irresponsible association, they arraign all delinquents, whether the peccant General Assembly, or ministers suspected of heresy. And who constitute this new Presbyterial court? The answer may be given in their own words,—'The ministers, elders, and private members of the Presbyterian Church of the United States. . . .' To this new tribunal they appeal, from 'the supreme judicatory' of their Church. And yet these brethren love 'the good old way,' and dread innovation! And this ground they have assumed, deliberately and systematically, throughout this whole document. In the face of the constitution of their Church, they have called a convention to be held in Pittsburg, on the second Thursday in May, 1835."

"The subscribers of this document avow their '*fixed*' adherence to their 'standards' of ecclesiastical '*order*;' while the very document in which they make this profession, is, both in essence and action, at war with the whole system. They acquit themselves of all responsibility, for the '*subversion of FORMS publicly and repeatedly approved*;' while they are subverting those very '*forms*' themselves. They tell us that they are laboring for the restoration of '*scriptu-*

ral order' to the Church; and yet they attempt that reformation by means which contravene their own notions of ecclesiastical organization. They intend, if possible, to exclude from the Church, those who '*subvert her established forms;*' and yet, in compassing this end, they themselves perpetrate the act of subversion. They *believe that the form of government of the Presbyterian Church'* accords with the will of God, and deprecate everything that '*changes its essential charcater;*' while, in their practice, they are fast verging to Congregationalism—a form of government at which they almost instinctively shudder. They *do 'love the constitution'* of their Church, 'in word,' if not 'in deed;' they '*venerate its peculiarities,*' because they exhibit the rules by which God intends the affairs of His Church on earth to be conducted; but, as the '*peculiarities*' of this organization, embracing no other tribunals, advisory or compulsive, than Church-Sessions, Presbyteries, Synods, and General Assembly, do not quite answer their revolutionary movements, they intend to regulate the affairs of the Church, at least till things assume a better posture, by another system."

This notice of the "Act and Testimony" is not a digression from the history of the controversy respecting voluntay societies and ecclesiastical boards. This document had an important influence upon the action of the Pittsburg Convention and of succeeding assemblies, concerning it.

ASSEMBLY OF 1835.

This Assembly met in Pittsburg. It was preceded by the meeting of the Convention, called by the recommendation of the "Act and Testimony." By the untiring exertions of the signers of this document and the aid of the Convention, they succeeded in securing a majority favorable to their views in the Assembly, and in controlling its proceedings. The Convention prepared a memorial to be presented to it, which is too long to be inserted entire. The substance

of the grievances of which they complain is contained in the following specifications, viz.:—

1. That the last General Assembly had denied to Presbyteries the right of re-examining men, applying to them for admission from other Presbyteries and foreign bodies.

2. That the Assembly had denied the right of Presbyteries to censure "a printed publication, irrespective of its author."

3. That the Assembly had sanctioned the erection "of Presbyteries and Synods upon the principle of elective affinity."

4. That the Assembly allowed the American Home Missionary Society to operate within the bounds of the Presbyrian Church.

5. That the Church did not take the exclusive control of the education of her candidates for the ministry, but suffered it to be done in part by a voluntary society, not responsible to her judicatories.

6. That "the Plan of Union," formed in 1801, between the General Association of Connecticut and the General Assembly, was fraught with evil to the Presbyterian Church.

7. That "the Plan of Union and Correspondence with the Congregational associations of New England and with other Churches" was adverse to her interests.

8. That the General Assembly had not been sufficiently zealous in guarding the doctrinal purity of the Church.

The committee of the Assembly to whom the memorial containing these complaints was referred, brought in a report decidedly favorable to the memorialists. The Assembly decided that "it is the right of every Presbytery to be entirely satisfied of the soundness in the faith of those ministers who apply to be admitted into the Presbytery as members; that it is the right of any judicatory of our Church to take up, and, if it see cause, to bear testimony against any printed publication which may be circulating within its bounds, and which, in the judgment of that judicatory, may be adapted

to inculcate pernicious errors, whether the author be living or dead; that the erection of church courts, and especially of Presbyteries and Synods, on the principle of 'elective affinity,' is contrary both to the letter and spirit of our constitution, and opens a wide door for mischiefs and abuses of the most serious kind." They likewise ordered the Synod of Delaware to be dissolved at and after the meeting of the Synod of Philadelphia, in the ensuing October, and "annexed to the Synod of Philadelphia." This order, if executed, would throw the Assembly's second Presbytery back into that Synod.

The Assembly refused to carry out the policy of the Convention respecting voluntary societies. They said, "it is not expedient to attempt to prohibit, within our bounds, the operation of the 'Home Missionary Society,' or of the 'Presbyterian Education Society,' or any other voluntary association not subject to our control."

They recommended that no more churches be formed in the Presbyterian connection under the Plan of Union of 1801, but were not in favor either of terminating or modifying "the plan of correspondence with the associations of Congregational brethren in New England."

The Assembly also bore its testimony against "Pelagian or Arminian errors" and enjoined upon all its "Presbyteries and Synods to exercise the utmost vigilance in guarding against the introduction and publication of such pestiferous errors." —*See Minutes of the Assembly, pages* 27–30.

An overture, "relative to Foreign Missions," was likewise presented to the Assembly. The Committee to whom it was referred, "reported," and their report was accepted and adopted, and is as follows, viz.:—

"The Committee on the papers submitted to them in relation to the Foreign Missionary Society, recommended the adoption of the following resolutions, viz.:—

"I. That it is the solemn conviction of this General Assembly that the Presbyterian Church owes it as a sacred duty to

her glorified Head, to yield a far more exemplary obedience, and that in her distinctive character as a church, to the command, which He gave at his ascension into heaven,—'Go ye into all the world, and preach the Gospel to every creature.' It is believed to be among the causes of the frowns of the great Head of the Church, which are now resting upon our beloved Zion, in the declension of vital piety, and the disorders and divisions which distract us, that we have done so little,—comparatively nothing—in *our distinctive character* as a Church of Christ, to send the Gospel to the Heathen, the Jews, and the Mohammedans. It is regarded as of vital importance to the welfare of our church, that Foreign as well as Domestic Missions should be more zealously prosecuted, and more liberally patronized; and that as a nucleus of Foreign Missionary effort and operation, the Western Foreign Missionary Society should receive the countenance, as it appears to us to merit the confidence, of those who cherish an attachment to the doctrines and order of the church to which we belong.

"II. *Resolved*, That a Committee be appointed to confer with the Synod of Pittsburg on the subject of a transfer of the supervision of the Western Foreign Missionary Society, now under the direction of that Synod, to ascertain the terms on which such transfer can be made, to devise and digest a plan of conducting Foreign Missions under the direction of the General Assembly of the Presbyterian Church, and report the whole to the next General Assembly."—*Minutes of the Assembly, page* 31.

On the afternoon of the last day of the sessions of the Assembly, when, as has since been ascertained, less than one third of the members of the Assembly were present, this Committee made their report, and the following resolution was adopted, viz.:—

"*Resolved*, That the Committee appointed to confer with the Synod of Pittsburg, on the subject of a transfer of the supervision of the Foreign Western Missionary Society to the General Assembly, be authorized, if they shall approve of

said transfer, to ratify and confirm the same with the said Synod, and report the same to the next General Assembly." —*Minutes of the Assembly, page* 33.

The next documentary notice which we have of this transaction, is contained in the published account of the Meeting of the Synod of Pittsburg, at Meadville, October, 1835. It is as follows :—

"A committee, appointed for that purpose by the last General Assembly, submitted the following

Terms of agreement between the Committee of the General Assembly and the Synod of Pittsburg, in reference to the transfer of the Western Foreign Missionary Society.

"1. The General Assembly will assume the supervision and control of the Western Foreign Missionary Society from and after the next annual meeting of said Assembly, and will thereafter superintend and conduct, by its own proper authority, the work of foreign missions of the Presbyterian church by a board especially appointed for that purpose, and directly amenable to said Assembly. And the Synod of Pittsburg does hereby transfer to that body all its supervision and control over the missions and operations of the Western Foreign Missionary Society, from and after the adoption of this minute, and authorizes and directs said society to perform every act necessary to complete said transfer, when the Assembly shall have appointed its board, it being expressly understood that the said Assembly will never hereafter alienate or transfer to any other judicatory or board whatever, the direct supervision and management of the said missions, or those which may hereafter be established by the board of the General Assembly.

"2. The General Assembly shall annually choose ten ministers and ten laymen, as members of the Board of Foreign Missions, whose term of office shall be four years, and these forty ministers and forty laymen so appointed, shall constitute a board, to be styled the Board of Foreign Missions of

the Presbyterian Church in the United States; to which, for the time being, shall be entrusted, with such directions and instructions as may from time to time be given, the superintendence of the foreign missionary operations of the Presbyterian church, who shall make annually to the General Assembly, a report of their proceedings, and submit for its approval, such plans and measures as may be deemed useful and necessary. Until the transfer shall have been completed, the business shall be conducted by the Western Foreign Missionary Society.

"3. The board of directors shall hold a meeting annually at some convenient time during the sessions of the General Assembly, at which it shall appoint a president, vice president, a corresponding secretary, a treasurer, general agents, and an executive committee, to serve for the ensuing year. To the board it shall belong to receive and decide upon all the doings of the executive committee, to receive and dispose of their annual report, and present a statement of their proceedings to the General Assembly. It shall be the duty of the board of directors to meet for the transaction of business as often as may be expedient; due notice of every special meeting being seasonably given to every member of the board. It is recommended to the board to hold in different parts of the church, at least one public meeting annually, to promote and diffuse a livelier interest in the Foreign Missionary cause.

"4. To the executive committee, consisting of not more than seven members, besides the corresponding secretary, and treasurer, shall belong the duty of appointing all missionaries and missionary agents, except those otherwise provided for; of designating their fields of labor; receiving the reports of the corresponding secretary; and giving him needful directions in reference to all matters of business and correspondence entrusted to him; to authorize all appropriations and expenditures of money; and to take the particular direction and management of foreign missionary work, subject to the revision of the board of directors. The executive committee

shall meet at least once a month, and oftener if necessary; of whom, three members meeting at the time and place of adjournment or special call, shall constitute a quorum. The committee shall have power to fill their own vacancies, if any occur during a recess of the board.

"5. All property, houses, lands, tenements, and permanent funds belonging to the Board of Foreign Missions, to be constituted by this agreement, shall be taken in the name of the trustees of the General Assembly, and held in trust by them for the use and benefit of the Board of Foreign Missions for the time being.

"6. The seat of the operations of the Board shall be designated by the General Assembly.

"CORNELIUS C. CUYLER,
"*Chairman of the Com. of the Gen. Assembly.*"

"These terms were accepted by a vote of the Synod; and the Editor of the '*Presbyterian*' announced, that '*Of course* the General Assembly will proceed to appoint its Board of Foreign Missions, to proceed, according to the above agreement, in the work of preaching the Gospel to the Heathen.'

"The Synod of Philadelphia, at its meeting in York, about the same date, adopted the following resolutions, viz.:

"*Resolved*, 1. That in the opinion of this Synod the General Assembly of the Presbyterian Church, is bound by every consideration in faithfulness to our divine Master and fidelity to our ruined world, to embark fully and immediately in the great cause of Foreign Missions.

"2. That the organization by that body of a permanent board and the appointment of suitable persons for this work, should be undertaken without delay.

"3. That the principal seat of the operations of such an orgnization ought to be in one of the large Atlantic cities—the Synod would suggest the city of New-York.

"4. That the American Board of Commissioners for Foreign Missions ought to be requested to transfer to the Board of

our Assembly, when fully organized, all those stations in foreign lands, at which the majority of ordained persons belong to the Presbyterian Church.

"5. That members of the Presbyterian Church, who are now in the foreign field, or who may hereafter go into it, ought in the opinion of this Synod, unless special and extraordinary reasons indicate a different course, to maintain a direct missionary relation to the Board of their own church when organized, and they are affectionately exhorted to the serious consideration of this question.

"6. That if the General Assembly should not, at its next meeting, organize this great interest upon the general principles now exhibited, this Synod will itself, at its next meeting, in dependence upon God, fully enter upon the glorious work.

"*Resolved*, That the stated Clerk be directed to lay a copy of the above report before the next General Assembly.

"The foregoing '*Terms of Agreement*,' &c., and also the resolutions of the Synod of Philadelphia, were submitted to the General Assembly of 1836, and were committed to Drs. Phillips and Skinner, and Messrs. Scovil, Dunlap, and Ewing. This Committee reported as follows, viz.:

"That the attention of the last Assembly was called to the subject of Foreign Missions by the following overture on p. 31 of the Minutes. [Here the report quotes the first resolution from p. 31 of the Minutes of the Assembly of 1835.]

"The Assembly feeling the force of the suggestions contained in this overture, and believing it to be their most important and *appropriate* work to spread the gospel through the world, adopted the overture in the form of a resolution, together with the following, viz. [Here the report quotes the second resolution from p. 31, of the *Minutes* of 1835.]

"Thus it appears that the proposition to confer with the Synod, and to assume the supervision and control of the Western Foreign Missionary Society, originated in the As-

sembly.* At that time the Western Foreign Missionary Society was in a prosperous condition, enjoying the confidence and receiving the patronage of a considerable number of our churches, having in their employ about 20 missionaries, and their funds were unembarrassed. The committee having conferred with some of the members of that Society, and finding that the proposition was favorably regarded by them, and indulging the hope that an arrangement might be definitely made with the Synod, at their next stated meeting, by which the Assembly would be prepared to enter on the work at their present sessions, brought the subject again before the Assembly, where it was, after mature deliberation,

"*Resolved*, That the committee appointed to confer with the Synod of Pittsburg on the subject of a transfer of the supervision of the Western Foreign Mission Society to the General Assembly be *authorized*, if they shall approve of the said transfer, to ratify and confirm the same with the said Synod and report the same to the next General Assembly. [See *Minutes* for 1835, p. 33.]

"The committee, thus appointed and clothed with full powers to ratify and confirm a transfer, submitted the terms on which they were willing to accept it to the Synod of Pittsburg at their sessions last fall. The members of the committee not being present at the meeting of the Synod, and there being no time for farther correspondence, the Synod (although they would have preferred some alterations of the terms,) were precluded from proposing any on the ground that such alteration would vitiate the whole proceedings, and therefore, acceded to the terms of the transfer

* The Chairman of this Committee ought to have known that this proposition did not originate in the General Assembly. The first of the resolutions quoted in this report, was a transcript of a resolution adopted by the Pittsburg Convention, * * * * * and Dr. Phillips, who was a leading member of that Convention, was aware that its connection with the appointment of the Committee to confer with the Synod of Pittsburg, was at least as intimate as that of cause and effect.

which were proposed by the committee of the Assembly, and solemnly ratified the contract on *their part.* Feeling themselves bound by the same, and trusting to the good faith of this body, they have acted accordingly, and have made no provision for their Missionaries now in the field for a longer time than the meeting of this Assembly; having informed them of the transfer which had taken place, and of the new relation they would sustain to this body after their present sessions.

"It appears then to your committee that the Assembly have entered into a solemn compact with the Synod of Pittsburg, and that there remains but one righteous course to pursue, which is, to adopt the report of the committee appointed last year, and to appoint a Foreign Missionary Board. To pause now, or to annul the doings of the last Assembly in this matter, would be obviously a violation of contract, a breach of trust, and a departure from that good faith which should be sacredly kept between man and man, and especially between Christian Societies; conduct, which would be utterly unworthy of this venerable body, and highly injurious to the Western Foreign Missionary Society.

"The committee beg leave further respectfully to remind the Assembly, that a large proportion of our churches, (being Presbyterian from conviction and preference) feel it to be consistent not only, but their solemn duty in the sight of God, to impart to others the same good, and in the same form of it, which they enjoy themselves, and to be represented in heathen lands by Missionaries of their own denomination. They greatly prefer such an organization as that contemplated, and which shall be under the care of the Presbyterian Churches, and cannot be enlisted so well in the great and glorious work of sending the gospel to the heathen under any other. Already, with the blessing of the Great Head of the Church, on the efforts of the Western Foreign Missionary Society in this form of operation, has a missionary spirit been awakened among them to a considerable extent,

and an interest in the cause of missions been created, never before felt by them. They have furnished men for the work, and are contributing cheerfully to their support in the Foreign field.

"As one great end to be accomplished by all who love the Redeemer, is to awaken and cherish a missionary spirit, and to enlist all the churches in the work of evangelizing the world; as every leading Christian denomination in the world has its Foreign Missionary Board, and has found such distinct organization the most effective method of interesting the churches under their care in this great subject; as such an organization cannot interfere with the rights or operations of any other similar organization; for the field is the world, and is wide enough for all to cultivate; as it is neither desired nor intended to dictate to any in this matter, but simply to give an opportunity of sending the gospel to the heathen by their own missionaries to those who prefer this mode of doing so, giving them that liberty which they cheerfully accord to others: Your committee cannot suppose for a moment that this General Assembly will, in this stage of the proceedings, refuse to consummate this arrangement with the Synod of Pittsburg, and thus prevent so many churches under their care from supporting their Missionaries in their own way. For they are unwilling to believe that there can exist in the nineteenth century, a spirit of bigotry and intolerance, which would interfere with the sacred liberty of conscience, and which would seem to say to all, unless you belong to our party, you shall not publish the glad tidings of salvation through the crucified Redeemer to a dying world. From this view of the case, they recommend to the Assembly the following resolutions, viz.

"1. *Resolved*, That the report of the committee appointed by the last Assembly to confer with the Synod of Pittsburg on the subject of a transfer of the Western Foreign Missionary Society to the General Assembly be adopted, and that

said transfer be accepted on the terms of agreement therein contained.

"2. *Resolved*, That the Assembly will proceed to appoint a Foreign Mission Board, the seat of whose operations shall be in the city of New-York.

(Signed) W. W. PHILLIPS, *Chairman.*

"Agreed to by the committee, excepting Dr. Skinner, who as the minority of the Committee presented the following report, viz.

"Whereas the American Board of Commissioners for Foreign Missions, has been connected with the Presbyterian Church from the year of its incorporation, by the very elements of its existence; and whereas at the present time the majority of the whole of the Board are Presbyterians; and whereas it is undesirable, in conducting the work of Foreign Missions, that there should be any collision at home or abroad; therefore

"*Resolved*, That it is inexpedient that the Assembly should organize a separate Foreign Missionary Institution."

"The question being on the adoption of the report of the Committee, a motion was introduced to postpone this report, for the purpose of adopting the counter report of Dr. Skinner. A long debate ensued, embracing to some extent the merits of the whole subject; at the close of which, the vote was taken by *yeas* and *nays*, when it appeared that there was a majority of *one* against the postponement. This has been regarded by some as exhibiting 'a majority of *one* in favor of an ecclesiastical organization.' We are assured, however, that more than one who voted against the postponement, voted, on the final question, to reject the plan proposed by the Committee. They voted against the postponement, because they preferred to meet directly the report of the majority of the Committee, and reject it at once.

"On a subsequent day, the question was resumed, and after a renewed and animated debate of several hours, the

plan proposed by the Committee was rejected by a vote of 111 to 106, exhibiting a majority of five against the attempted organization. Against this decision, the following protest, penned by Dr. Miller, and signed by himself and eighty-one other members of the Assembly, containing a summary of the reasons which had been previously urged in favor of the formation of the proposed Board, was entered on the Minutes: viz.

"The undersigned would solemnly protest against the decision of the General Assembly, whereby the report of the committee of the last General Assembly respecting the Western Foreign Missionary Society was rejected: for the following reasons, viz.

"1. Because we consider the decision of the Assembly in this case as an unjustifiable refusal to carry into effect a solemn contract with the Synod of Pittsburg duly ratified and confirmed under the authority of the last Assembly.

"2. Because we are impressed with the deepest conviction that the Presbyterian Church, in her ecclesiastical capacity, is bound, in obedience to the command of her divine Head and Lord, to send the glorious Gospel, as far as may be in her power, to every creature; and we consider the decision of the Assembly in this case as a direct refusal to obey this command, and to pursue one of the great objects for which the church was founded.

"3. Because it is our deliberate persuasion that a large part of the energy, zeal, and resources of the Presbyterian Church cannot be called into action in the missionary cause, without the establishment of a missionary board by the General Assembly. It is evident that no other ecclesiastical organization by fragments of the church can be formed, which will unite, satisfy, and call forth the zealous co-operation of those in every part of the church who wish for a general Presbyterian Board.

"4. Because while the majority of the Assembly acknow-

ledge that *they* had a board which fully met all the wants and wishes of themselves and those who sympathized with them; they refused to make such a decision as would accord to us a similar and equal privilege; thereby, as we conceive, refusing that which would have been only just and equal, and rejecting a plan which would have greatly extended the missionary spirit, and exerted a reflex beneficial influence on the churches thus indulged with a board agreeable to their views.

"5. Because to all these considerations, urged with a solemnity and affection, the majority of the Assembly were deaf, and have laid us under the necessity of protesting against their course; and of complaining that we are denied a most reasonable, and, to us, most precious privilege, and of lamenting that we are laid under the necessity of resorting to plans of ecclesiastical organization, complicated, inconvenient, and much more adapted, on a variety of accounts, to interfere with ecclesiastical harmony, than the proposed board could have been.

"Pittsburg, June 9th, 1836.

"To this protest, Dr. Peters, as Chairman of the Committee appointed for that purpose, presented the following answer, which was adopted by the Assemhly, and entered on the Minutes: viz.

"In answer to the protest of the minority of the General Assembly on the subject of Foreign Missions, the majority regard it as due to the churches and the friends of missions generally, to state some of the grounds on which they have declined to carry into effect the arrangement adopted and reported by the committee of the last General Assembly, in regard to the Western Foreign Missionary Society.

"We are of opinion,

"1. That the powers intended to be conferred upon the above committee by the last Assembly, to ratify and confirm

the transfer of the said society from the Synod of Pittsburg to the General Assembly, on such terms as the said committee might approve, are altogether unusual and unwarranted; and especially that it was indiscreet and improper for that Assembly to attempt to confer such unlimited powers for such a purpose, in the existing state of our churches, upon so small a committee; and that too on the last day of the sessions of the Assembly, when more than one half of the enrolled members of the body had obtained leave of absence, and had already returned to their homes.

"2. That it was unwarrantable and improper for the above committee, in the exercise of the extraordinary powers supposed to be conferred on them, to incorporate in their agreement with the Synod of Pittsburg the condition, that the supervision of the missions of the Missionary Board intended to be organized should never be alienated by the General Assembly, thus endeavoring to bind irreversibly all future assemblies by the stipulations of that committee.

"3. It is, therefore, our deep conviction that it was the duty of this Assembly to resist the unwarrantable and extraordinary powers of the above committee, and to reject the unreasonable condition of their contract with the Synod of Pittsburg.

"4. It is our settled belief that the church is *one* by divine constitution, and that the command is of universal obligation: 'Let there be no divisions among you,' and that whatever advantages or disadvantages may have resulted from the division of the church into numerous denominations, with conflicting opinions, it cannot be our duty, as Christians, to perpetuate and extend these divisions by incorporating them in our arrangement to spread the Gospel in heathen lands. We cannot, therefore, regard the decision of the Assembly in this case, as a refusal to obey the command of the Great Head of the church to preach the gospel to every creature. That command, as we understand it, is not to the Presbyterian Church in her distinctive ecclesiastical capacity,

but to the *whole church*, to the collective body of Christ's disciples, of every name. It was that they may the more effectually *obey* the above command, by uniting with christians of other denominations in the noble work of foreign missions, that the Assembly declined to carry into effect the proposed organization restricted to the Presbyterian Church.

"5. We do not agree with the protestants in the opinion that the resources of any part of the Presbyterian Church 'cannot be called into action in the missionary cause without the establishment of a Missionary Board by the General Assembly.' The history of missionary operations in this and in other countries furnishes ample evidence that the energy and zeal of christians in the spread of the gospel are much more effectually enlisted, and their liberality greatly increased by more expanded organizations, which overstep the limits of sects, and the bond of whose union is the one great object of spreading the glorious gospel of the blessed God. It is our settled belief that societies formed on these principles, and including different denominations of christians, are actually performing as the proxies of the church, in the work of missions, that which the church, on account of her existing divisions, can perform in no other way so well. They appear to us to have embraced the harmonizing principle which is destined ultimately to reunite the churches, and make them ONE, as it was in the beginning and will be in the end.

"6. While the majority of the Assembly acknowledge their unabated confidence in the American Board of Commissioners for Foreign Missions, as fully meeting our wishes, and affording a safe and open channel through which all our churches may, as consistent Presbyterians, convey their contributions to the cause of Foreign Missions; we do not regard ourselves as having denied, by the decision protested against to the minority, the privilege of conducting their missionary operations with entire freedom, on any other plan which they may prefer. But we think it unreasonable for

them to ask us to form, and to complain of our not forming, by a vote of the General Assembly, an organization, the principles of which we do not approve. We do not ask of them to assume the responsibilities of the plan which we prefer, and we cannot regard ourselves as chargeable with unkindness or injustice, in having refused to assume the responsibilities of the plan which they prefer. If we cannot agree to unite in the same organization, for the same purpose, it appears to us manifestly proper, that each party should bear the responsibilities of its own chosen plan of operations; and if our brethren cannot so far commend their principles, as to extend their ecclesiastical organizations beyond those "fragments of the church" of which they speak, they surely ought not to complain of us, "if those in every part of the church who wish for a general Presbyterian Board," remain dissatisfied. We would respectfully ask whether they ought not to charge their embarrassment, in this respect, to the plan which they have adopted, rather than to those who have chosen, on their own responsibility, in the fear of God, to conduct their missionary operations on other principles. If, therefore, the minority of the Assembly should hereafter judge themselves under "the necessity of resorting to plans of ecclesiastical organization" which shall "interfere with ecclesiastical harmony," the majority cannot regard themselves as responsible for such results. The settled belief of the majority of the Assembly is, that the operations of the American Board of Commissioners for Foreign Missions, with its numerous auxiliaries, both ecclesiastical and voluntary, within the bounds of the Presbyterian church, present the best arrangement for the promotion of the cause of missions by our churches; and it was to prevent the ecclesiastical conflicts and divisions which have resulted from the operations of other similar organizations, that they have thought it their duty to decline the organization proposed. They have made their decision for the purpose, and with the hope of securing and promoting

the union in the missionary work which has so happily existed in former years. With these views and hopes, they commend the cause of missions and their solemn and conscientious decision to the blessing of God, and pray for the peace of Jerusalem."

"The reader is now in full possession of the history of the proposed measure and its rejection, as far as it may be gathered from the Minutes of the two General Assemblies before which it was urged."—*See Plea for Voluntary Societies, pages* 35–47.

Ample as is the proof now before our readers, of the influence of the exclusive and intolerant views and policy of the advocates of Ecclesiastical Boards in bringing about the division of the Church, it is but a part of the sum total by which the fact may be established.

At their signal defeat in the Assembly of 1836, the ultraists were far from a submissive spirit. The most intolerant among them undoubtedly hoped to secure the condemnation of Doctor Beecher and Mr. Barnes, and the ratification of the agreement respecting the Western Foreign Missionary Society between the Assembly of the previous year and the Synod of Pittsburg, and thereby awe those who differed from them into submission. Had their hopes been realized, they would have had the whole Church committed to the principle of Ecclesiastical Boards.

Before the close of the Assembly they gave unmistakable indications of their determination not to submit to its decisions. The evening previous to the close of its sessions, they held a private meeting in the basement of the Rev. Mr. Blythe's church. It was ascertained on authority fully entitled to credit, that at that meeting the subject of a division of the Church had been discussed. A convention, similar to the one held in Pittsburg the year previous, was proposed for effecting it. "This, however, was objected to by some of the more cautious, and, at their suggestion, after considerable discussion, it was agreed that it would be much the

wisest plan to appoint a *confidential* committee of correspondence, to write to such ministers and elders in all parts of the Church as were known to sympathize with them, and urge them to use all their influence to secure the appointment of such delegates to the next Assembly, as might be depended on to favor the views of the present minority. The committee were also to be instructed to *keep their correspondence out of the newspapers* as long as possible, and exert their influence secretly, until they should judge it expedient to avow their purpose. Then, instead of having another 'Pittsburg Convention' publicly called, the prevalent opinion was, that it would be best to have such individuals as the committee might designate, meet at Philadelphia, as if by common consent, a day or two before the meeting of the next General Assembly, and there hold a conference as to the measures proper to be adopted by the party. If it should then appear from the report of the *confidential committee*, that they might calculate on a majority, they would proceed and adopt such measures as they desired; but if they should find themselves a minority still, it was suggested that they might then determine to retire from the meeting of the majority, and call themselves the General Assembly, and proceed accordingly."*

Immediately after the Moderator had pronounced the benediction and declared the Assembly dissolved, he "announced that all the individuals who had been present at the meeting in the basement of Mr. Blythe's church, the preceding evening, were expected to attend a similar meeting at the same place that afternoon at 3 o'clock."

"The meeting was convened according to his announcements, but of what was said and done within its enclosures, we are wholly ignorant; excepting so far as its decisions have been indicated by what has since transpired; and this leaves us in no doubt as to their substantial accordance with the suggestions of the previous evening. Soon after the meeting

* Plea for Voluntary Societies, pages 165, 166.

was dissolved and the members, with others, were preparing for their return to their homes, Mr. Witherspoon," (the Moderator of the Assembly), "remarked to a gentleman who accosted him on the subject of the meeting, 'The die is cast; the Church is to be divided.' The newspapers, also, which are the organs of the party, have been constantly breathing suspicion and suggesting and advocating division. But the *Confidential Committee* were silent and unknown to the public until the issuing of their pamphlet, which has waked the party papers to a bolder tone of advocacy on behalf of division; and by some a convention for this purpose, to meet immediately preceding the meeting of the next General Assembly, is boldly and strenuously urged." *

The pamphlet alluded to "was issued about the last of August. It was preceded, however, by a *secret circular*, over the signatures of the same 'Committee,' dated New York, July 13, 1836. This circular was addressed, in a *confidential* way, to numerous individuals, both ministers and laymen, supposed to be displeased, (or capable of being rendered so,) with the decisions of the last Assembly, and was not seen by others, until it providentially fell into the hands of a correspondent of the Philadelphia Observer,' by whom it was forwarded, to that paper and published on the 15th of September. It asks attention to the proceedings of the last Assembly, and concludes with a series of questions addressed to each of the selected individuals as follows, viz.:—

'And now, dear brother, in view of the whole subject, we ask you, *What ought to be done?* That we may be put fully in possession of your views, without at this time expressing any of our own, we would respectfully ask you the following questions:—

'1. With so great diversity of sentiment in regard to doctrine and order in the Presbyterian Church, can we continue united in one body, and maintain the integrity of our standards, and promote the cause of truth and righteousness in the earth?

* Plea for Voluntary Societies, pages 165–167.

'2. If you think *we can*, then please to say how the causes that at present distract us can be removed.

'3. Do you believe that there are ministers in our connection who hold errors, on account of which they ought to be separated from us?

'4. If you think such errors are held, please to name them particularly?

'5. If you believe that persons holding the errors you name, ought to be separated from our communion, what in your judgment is the best way of accomplishing it?

'6. It was repeatedly avowed by ministers in the last General Assembly, that they received the Confession of Faith of our Church only "for substance of doctrine"—"as a system"—or "as containing the Calvinistic system in opposition to the Arminian," &c.—hence we know how much of our Standards they adopt and how much they reject. Is this, in your opinion, the true intent and meaning of "receiving and adopting the Confession of Faith?"

'7. It is believed by many that much of the evil of which we now complain, has come upon us in consequence of our connection with Congregational churches within our bounds, and represented in our judicatories. We would ask you whether, in your judgment, it would not be better for us as a Church, to have no other connection with Congregationalists than the friendly one which we now have with them as corresponding bodies?

'You are earnestly entreated, dear brother, to give a serious and speedy answer to these inquiries. It is of vast importance to our beloved Church that we should have embodied, as soon as practicable, the views of judicious, thorough Presbyterians of our connection, as the best index in regard to the course that ought to be pursued.'

"To be convinced that this letter was intended to prepare the way for a division of the church, we have only to recur to the pamphlet before named. Here we find the same in-

dividuals, in a little more than a month after the date of the letter containing the above confidential inquiries, openly and avowedly advocating division, and laboring to convince all the disaffected that it is their solemn duty, if possible, by all means to produce the dismemberment of all who sympathize with the decisions of the last Assembly. They say,

'That creeds, confessions of faith, to answer their true and legitimate purpose, must be *honestly* received. And *here* we are constrained to believe is one fruitful source of our present distractions as a church, a lack of *honesty* in the reception of our standards. Some examine these standards with care—they compare them with the scriptures of truth on which they profess to be founded—they scan narrowly the language used in them, and having done so, they *sincerely* receive and adopt all the doctrines they contain. Without laying any claim to infallibility, or pretending to judge those who may differ from them, they proclaim to the world that the Confession of Faith of this Church is their confession of faith. They feel themselves solemnly bound, as by an oath, to adhere to this form of sound words, and to publish no doctrines either inconsistent or at variance with it. This course they pursue as *honest* men. There are others, however, who view this matter in a very different light, and who act a very different part. Although they have professed to receive our standards in the *same manner* with the class just referred to, they do not consider themselves bound by that act to receive all the doctrines contained in them; nor to construe the language in which they are expressed, in the sense in which it was manifestly employed by those who framed them.'

"Again. 'Under the name and cloak of Presbyterianism they disseminate sentiments which lead directly to Arminianism, Pelagianism and Socinianism. These are the men who, in our judgment, have caused divisions among us—for we are a divided church—as really divided as though we were called by different names and existed under different organizations.

The schism has come already, and let those men who have come into our church by professing to receive our standards, when, in fact, they did not believe them in their plain and obvious import, answer for it—for they are its authors."—*A Plea for Voluntary Societies, pages* 156, 159.

Subsequently they say, "Fathers, brethren, fellow-Christians, whatever else may be dark, this is clear, *we cannot* continue *in the same body*. We are not agreed, and it is vain to attempt to walk together. That those whom we regard as the authors of our present distractions will retrace their steps, is not to be expected; and that those who have hitherto rallied around the standards of our Church will continue to do so, is both to be expected and desired. *In some way or other, therefore,* THESE MEN MUST BE SEPARATED FROM US."—*Plea for Voluntary Societies, page* 163.

We cannot more fully express our own views of the nature and tendency of this whole transaction than by quoting the following from the remarks of the Correspondent of the "Philadelphia Observer," before referred to, accompanying the publication of the *secret circular* of the *confidential committee,* viz.:—

"'2. The tendency of the letter is to invite crimination, and to perpetuate alienation and contention. What does it ask of each man to whom it is sent? Does it ask him to cherish feelings of love and charity towards his ministerial brethren around him? Does it conjure him to seek their aid and co-operation in endeavoring to advance the kingdom of the Redeemer, and to promote pure and undefiled religion? Does it implore him to lay aside any unfounded suspicions which he may have cherished respecting the piety, the honesty, and the orthodoxy of brethren in the same communion? No. It asks of every man to look over the whole circle of his ministerial acquaintance; to put his memory and his invention upon the rack; to form in his own mind charges of heresy against ministers of the Son of God, and to report them SECRETLY to this committee with a view to further ac-

tion. Every man to whom the letter is sent, is tenderly invited to become a spy upon his brethren; to give form and substance to all his suspicions; to put his own construction upon his brother's sentiments; to report them to the committee; *and to become pledged over his own hand that such brethren ought to be cut off from the Presbyterian Church.* If thus pledged, it is assumed that he will act for it, and vote for it, when the effort shall be made to expurgate the church."

"How extensively this letter breathing suspicion, and inviting crimination has been circulated, no man can tell, except the committee and they who are with them in the secret and dishonorable plan. I have heard of it from the North and the West. Few probably have gone East; the South, doubtless, is flooded. It is to be presumed, however, that its circulation has been *at least* co-extensive with the signers of the "Act and Testimony"—for *they* are all pledged, and sworn, and tried men. Yet where are they? They are scattered everywhere through the Church. Every minister not in the secret has one or more of them in his neighborhood, perhaps in his own Presbytery. To promote the same object, the letters are sent to the elders of the churches that they may become spies upon their pastors, and informers in regard to their orthodoxy. It invites to secret suspicion, and secret crimination. It asks my neighbor with whom I am associated, and who sees me every day, to be a spy upon my movements; and to give his own construction to my opinions, and secretly to convey his impressions to a distant, irresponsible committee, clandestinely engaged in plotting the dismemberment of the Church, and overthrowing the fair institutions of Presbyterianism in this land.

"'3. This letter contemplates movements that are an entire departure from Presbyterianism; and which, it seems to me, involve a violation of solemn ministerial vows. Every minister of the Gospel in our connexion solemnly promises to adhere to the Standards of the Presbyterian Church; and it

is implied in those vows that he will seek no other mode of discipline, and no other measures for opposing heresy or error than those which are prescribed in the standards. Yet in the cases which have given birth to this letter, the regular and prescribed modes of discipline have been pursued. Charges have been regularly brought and tried, and after the fullest investigations there has been an entire acquittal. Here according to Presbyterianism and common honesty, the matter in regard to those gentlemen is to stop. If there are gentlemen in the Church who hold error, the way is open for their regular arraignment, and trial, and condemnation. The Book of Discipline prescribes the course, and the only course which conscientious Presbyterians can pursue. But this letter invites to a different course. It contemplates a new measure. It asks gravely of the initiated and the faithful, whether, if any such error exists as ought to exclude the holders thereof from the Church, they know of any mode in which the offending brother can be removed? Why is this? Is not the way open? Does not the Book of Discipline prescribe the mode? Can an honest Presbyterian ask about any other mode than that to which he has sworn, and to which he has promised adherence? Why then is invention put upon the rack? Why then do the Committee acknowledge that they can think of no way, and invite others all over the land to *think out* some *new* way by which they can eject their brethren from the ministry? The language of this question put into plain English, is this, "We have tried the regular steps of discipline in the Presbyterian Church, and the system does not work to our mind. We raised the note of alarm; we succeeded in getting the Church excited and distracted; we enrolled the names of all who promised to adhere to us; and *then*, when matters were all arranged, we brought charges against prominent men. We carried those charges through all the regular stages, and adopted all the means known to the Constitution. *But the system did not work to our mind.* They are still in the Church. Do you

know, "dear brother," of any new way—any way unknown to the Constitution by which those men and their friends can be removed? Is there any new way of attacking them, of undermining their influence, of crippling their usefulness, so as to *compel* them to leave the Church? It is true we have established rules, and a regular government, and most excellent standards," and we have tried all these. *But all this availeth us nothing so long as we see Mordecai the Jew sitting in the King's gate.*"

"4. It is natural to ask who are the men who thus secretly invite suspicion, and crimination, and who are aiming at the dismemberment of the Church?

"Foremost is the Chairman of the Committee, and one other minister who came among us from the *Seceder Church.* Not native born Presbyterians; or not nurtured in the views of interpreting the Standards of the Church which have prevailed among us from the year 1729—and down through all the periods of our history till the present, they came among us but a few years since with a few others from the same communion, and as one of their first acts they now invite suspicion, and crimination, and modestly demand that a large portion of the ministers of our connection should be ejected. Certainly the modesty of these gentlemen cannot be sufficiently commended; nor can it be deemed surprising that *they* should in this letter complain of "foreign influence," and ask whether the evils which now exist have not arisen from a "foreign influence"—from our connection with the churches of New England? Almost forty years have rolled away since that connection was formed; ten years have not elapsed since those gentlemen were in the Associate church.

"One other of the signers of this letter is *a Professor in the Theological Seminary at Princeton.* Last fall, in the Synod of Philadelphia, this gentleman used the following language, "Let us trust the next General Assembly." If that body shall not decide that there is error and more dangerous error in this book (Mr. Barnes' Notes on the Romans) then my

best prayer for it shall be, "may it never, never, meet again!" Yes; if that shall be its decision, let it be dissolved into its elements; and while out of its scattered fragments the gold, and silver, and precious stones shall be gathered into one heap, let the wood, and hay, and stubble be gathered into another. If the Assembly shall take your ground we shall be safe: but if not, I repeat the prayer, 'MAY IT NEVER, NO, NEVER MEET AGAIN.' Report of Synod, p. 263. *This Secret Letter is one of the means by which this prayer is to be answered.*

"The name of another member of the Committee is the Rev. William A. M'Dowell, D.D., *Secretary and General Agent of the General Assembly's Board of Missions.* That his name is there *will be* a matter of surprise and regret by all his friends. His course of life hitherto had not been such as to lead to the expectation that his name should be thus recorded. It would have been predicted ten years since, nay, three years since, that he would have pursued a different course; and that from respect to his official station, or his personal character, or following the natural inclinations of his heart to peace, and to confidence in his ministerial brethren, he would have frowned on a transaction like this. I venture to predict that the time will come—and that at no distant period—when *he* will look upon this act with regret.

"The name of one other gentleman is that of the Rev. Francis M'Farland, *Corresponding Secretary and General Agent of the General Assembly's Board of Education,* (who has declared, over his own signature, in regard to this letter,) that 'it was never expected to be kept secret; it was the full understanding of the Committee that it would be shortly published in the newspapers; and it would have been published long ago, but it was the wish of the Committee to call the special attention of a number of those who were known in general, to coincide with them in opinion to these points, which certainly could not have been so well accomplished had it appeared first, or simultaneously in print.'

"Here is a distinct avowal over the name *of the Corresponding Secretary and General Agent of the General Assembly's Board of Education* that he, in connexion with other gentlemen, had objects to be 'accomplished' by a secret circular, sent to a part of the Presbyterian Church, which 'could not so WELL be accomplished,' had the design been known.

"Here we are presented with a most remarkable fact; and one which *demands* and which *will receive* the attention of the Presbyterian Churches in the land. A secret letter, inviting suspicion, and crimination, and tending to the dismemberment of the Presbyterian Church, is sent forth signed by one Professor in the Theological Seminary, and by the two, and only general Agents of the General Assembly. Some reflections of serious import crowd on the mind.

"It is natural to ask whether *this* is the purpose for which these gentlemen were appointed to these important offices? Did the General Assembly when it made or sanctioned these appointments contemplate *this* as a part of their duties? Did the Assembly suppose that they would have either the inclination or the leisure to engage in plans contemplating the dismemberment of the Church? Is this the way in which they shall fulfil their duties to the body from which they have received their power; and is *this* to constitute a part of their reports to the next General Assembly?

"Those gentlemen are supported from the funds of the church, at an annual expense of not less than *six thousand dollars.* Was that money contributed with the expectation that it would be appropriated to men who would labor for the dismemberment of the Church? Did the General Assembly *of this year,* or of any former year, make appropriations for their salaries with the expectation that they were sustaining men who were secretly aiming at the division of the Church? A delicate casuist would say that it was a matter of difficult solution to know how they could appropriate time and influence which belongs to the entire Church, and which is sus-

tained by the monies of the Church in other purposes than those contemplating the training of her sons for the ministry, or the extension of the gospel throughout the land. In what article of these Boards, or in the 'Plan for the Theological Seminary,' is it said that the promotion of suspicion and schism shall be a part of the duty of the incumbents in these offices?

"Again—These gentlemen have an *official* influence and power. It has been *created* by the acts of the General Assembly, and is the property of the General Assembly. It arises not from the moral worth of these gentlemen, however great that may be, but it arises from the fact that the Assembly has committed to them a portion of its own influence and authority. Did the Assembly design that its own influence should be thus employed? Was it to promote division and alienation that they were appointed to these responsible offices?

"There is one other question. Can it be supposed that the secretaries and agents of the Boards of the Assembly are pursuing a course which is unknown to their Boards, or which is disapproved by them? Is it not a fair inference that when the *general* agents of their Boards become thus the advocates of schism, and lend their official influence to promote it, that this is the course also which their numerous *subordinate* agents in the churches are expected to pursue, and which they will advance? But if this be so, then who can follow and detect the numerous bad influences which are now already in operation, and which have been so long pursued that a public stand may now be taken tending to divide and rend into fragments the Presbyterian Church in the United States? If this be the purpose, the action, and the prostituted official influence of these Boards, is the preservation of the church consistent with their continued existence? Should the church nourish in its own bosom, and sustain by its own authority and resources, that which is known to be employed to rend it into fragments?

"I ask, in conclusion, is the church always to be harassed

and distracted by plans like this? Six years have rolled away amidst suspicions, and criminations, and prosecutions, and plans, secret and public, to rend the church in this land. Plan after plan has been tried and foiled, and yet invention is not exhausted. Suspicion did all it could. Crimination did all it could. Prosecution did all it could. The 'Act and Testimony' did all it could. God in mercy interposed and saved the church from division. And now official influence, and the names of the public officers of the church are doing what they can *secretly* to accomplish the same end; to recover prostrated power, or to rend the church to fragments. In the mean time, revivals have ceased, and the humble and the pious are weary with these contentions, and the feeling of the church at large demands that the ministers of religion should lay aside these contentions, and give themselves to the promotion of pure and undefiled religion. The church on earth, and the church in heaven; the interests of religion everywhere demand, that every friend of peace and unity should be at his post; should oppose these efforts at division, and fix his eye and heart on the maxim of Paul, MARK THEM WHICH CAUSE DIVISIONS, AND AVOID THEM. AN ENEMY TO SCHISM."—*Plea for Voluntary Societies, pages* 168–174.

Additional proof that hostility to Voluntary Societies, and a desire to rule the Church, were the chief causes of the acts of the Assembly of 1837, which rent the Church asunder, will be found in the proceedings of the Convention, which commenced its sessions in Philadelphia, the week immediately preceding the meeting of the Assembly. We present our readers with an account of the proceedings of this body, as contained in "the Rev. H. Wood's History of the Presbyterian Controversy:"

"CHAPTER XV.

"OLD SCHOOL CONVENTION OF 1837.

"This Convention, called by the Committee of the Old School party in the Assembly of 1836, met in Philadelphia

about a week before the meeting of the General Assembly. There were more than one hundred members in attendance.

"The first measure proposed in the Convention was, some action in reference to 'certain judicatories' charged by common fame with heresies and disorders. The Convention went into a sort of ex-parte trial of certain bodies. Common fame was the principal witness. The members were invited to retail such reports as had reached them. Various rumors were communicated. And though the parties accused were not represented, and could make no defence, yet they were soon condemned.

"The Convention, however, were not agreed as to the plan which they should propose for the Assembly's adoption. Dr. Blythe suggested the plan of citation, with a view to excision. He thought the course pursued by the Synod of Kentucky, in the case of the Cumberland Presbyterians, the proper one. He said: 'Thirty-three or four years ago, the Synod of Kentucky knew it to be difficult to try any man for heresy; but they appointed a Commission to visit the parts where the heresy was reported to exist, to inquire and report. The suspected Presbyteries were not allowed to sit in Synod till the affair was settled. The Synod acted, cut off the unsound, and restored peace to the orthodox. Why may not the next General Assembly do the same thing?' 'If this course be taken, you exclude from your judicatories those who are charged with unsoundness until the affair is issued; and you gain two things—first, you put out those who trouble you; and second, you will be prepared to administer wholesome admonition to the suspected. This course will show that you are cautious of the character of your brethren. You will not impeach them till inquiry is made in an orderly manner. But if something of this sort is not done, what will the world say?'—See Western Presbyterian Herald, June 1, 1837.

"Dr. Junkin offered a resolution: 'That the orthodox would agree not to go into the Assembly, unless the Synod

of the Western Reserve were excluded.' 'There is common fame enough to cut off the Synod at the outset.'—Herald, June 1, 1837.

"Mr. R. J. Breckinridge said: 'All that is proposed, refers to what the Assembly ought to do. We must go to the Assembly. We can do nothing here. I am just where I used to be. I am opposed to violent action. Let us do nothing which cannot be fully justified. It is vain to hope that you can exclude the persons against whom these speeches and memorials are aimed. There is no power anywhere that can do it.'—Herald, June 1, 1837.

"Dr. Baxter said: 'In our general views we are unanimous, that the purity of the church is endangered, and that something must be done. But we differ as to the mode of relief.' 'As to some suggestions of Dr. Junkin, I cannot support them. We have no constitutional authority here. We meet merely to consult, in the exercise of a proper right, and to present our views to the General Assembly. But if we take the ground that we are a part of the judicatories of the church, and proceed to excommunicate our brethren, we assume high judicial powers and array public opinion against us.' 'If high-handed and apparently unconstitutional measures are taken, it will greatly injure us. There is great distrust as to the designs of the orthodox: it is supposed that the friends of the constitution propose to alter the constitution. And if the Convention resolved to set aside Synods, and excommunicate them, it will injure us by confirming these fears.' —Herald, June 1, 1837.

"Mr. Breckinridge said: 'The decision on the Foreign Missionary question of the last Assembly was an outrage; but preceding Assemblies had already implied the same decision to refuse a Presbyterian organization. All the great principles that are developed in our system were intrenched on years ago as fully as now.' 'Let it be recollected too, that to *get apart* from the unsound, is not the only thing to be done. It must not be done on the principles which may

destroy ourselves.' 'I have asked a hundred brethren, 'what is your view of getting apart?' Yet not one has given me a clear, distinct, detailed statement which he was willing to adopt.'—Herald, June 1, 1837.

"Mr. Musgrave said: 'I wonder that there is any call for facts. If any man is in darkness, let him read Barnes' Notes and the Christian Spectator, and read the doctrines which are recorded there. Let him also turn to the Voluntary Associations; I call them not benevolent, but party engines.' 'But we forget the machinery that is at work against us, manufacturing and sending out ministers so rapidly, that if we simply wait, discuss and do not *act*, in twelve months our case will be entirely hopeless. Some of our brethren are already clear that the present state of things is no longer tolerable. They will have a reform or separation.' 'What then is to be done with such men, who are false and deceivers? We cannot live with them—we can have no peace with them—they are in opposition to our principles and policy, and to moral honesty. That we must get apart is clear. Mr. Breckinridge says we must not take a step in the dark. But can we not legislate conditionally, and take the first step that is clear? Is not the course plain? If we have the power, as I hope we shall have—although I am not very sanguine—is it not clear that men who teach doctrines confessedly at variance with our standards must be cut off, and the institutions which divide and ruin us must be destroyed? This is clear. Let us then determine that those bodies which are corrupt shall be arraigned and tried. My plan would be to cite them, bring them to your bar, get a Committee to present the facts to the next Assembly, and you exclude them from all power till the issue is settled.' 'But suppose we have not a majority in the next General Assembly. There are two propositions which may be made. 1. We may propose an amicable division. Let us try our brethren who say they love peace and are tired of war, and that it is destructive of revivals—except about two months before the

meeting of the General Assembly. Well, we say so too. We are sick and weary of their falseness and their assaults, we want rest. 2. But suppose we cannot divide amicably. Although we cannot see at first what to do, we must look about for light. I come to ask you, and God the Father of lights: let us look to him in prayer. Let us settle this, that if the New School have the majority in the next Assembly, we are a *dead* minority—not an accidental minority, but we never shall be a majority. If the last Assembly and other Assemblies have not brought up the church to secure a majority, all hope is gone. Your opponents multiply like frogs. They educate, license, and settle men faster than you can do. But if the next Assembly be Old School, what shall we do? If reform be impossible, the imperative alternative is separation.' 'Let us cling together and strive for victory, or fall in the effort.'—Herald, June 1, 1837.

"It will be seen from the debates in the Convention, that the members aimed at one of two things: *reform* or *separation*. And from the debates it will be seen what was meant by *reform*. It was to secure to the Old School a majority, and effectually to put the New School in the minority. Mr. Musgrave says: 'If the last Assembly and other Assemblies have not brought up the church *to secure a majority*, all hope is gone.' The reader of this portion of the history of the church cannot fail to see that a *permanent majority* for the Old School was, with one portion of the Convention, the leading object in this business of '*reform*.' 'Let us settle this point, that if the New School have the majority in the next Assembly, we are a *dead* minority—not an accidental minority, but *we shall never be a majority*.' Whether such measures, on the part of a minority, to gain the ascendency, is not a reform that needs to be reformed, is a question to be decided by the impartial reader.

"Whilst some would have been satisfied with a permanent majority, others would not have been content with anything short of a division of the church. Mr. Breckinridge was

clear that the church ought to 'get apart.' Dr. Junkin urged that: 'That Convention never would have been called, but for the purpose of separating the Pelagians (the Dr's. name for New School) from the sound part of the church.'

"But this policy was not urged by all. 'Dr. Blythe spoke at some length in opposition to measures of separation. He wanted to contend—was opposed to cutting off any Synod till tried.'—Herald, June 1, 1837.

"Dr. Junkin said: 'We ought to have some plan. We must not count on a majority; let us have some settled principles. Do not trust a New School majority to arraign and cut off New School men, and New School Presbyteries. If we have a majority we can do what we please; and we know what we shall do.' 'We must be prepared for amputation, difficult and painful as it is.'

"The Convention found it difficult to agree upon a plan for action, provided they should be a minority in the Assembly. Dr. Junkin urged the Convention in such a case, 'at once to bring in its ultimatum and say—we are determined as one man, that unless this reform is immediately effected, *we will cut you off.* We are the Presbyterian Church; you are not, but are undermining its foundations.'

"Dr. Blythe's plan savored a little more of modesty. He hoped, 'that if the orthodox were in a minority in the Assembly, they would rise in a body, leave the house, and go on with the business of the church.'

"Mr. Breckinridge seemed not to be pleased with any one's plan but his own, if plan he had. He said: 'We need not detail plans for the General Assembly; I will not agree to make the Moderator the Dictator of the General Assembly. I will go as far as any one for sound Presbyterian doctrine and order. But not for measures unsonstitutional, such as the exclusion of any body regularly commissioned to the General Assembly.'

"After five or six days had been spent by the Convention

in a wide range of discussion, Dr. Wilson, from the business committee, 'presented a resolution, declaring that in case the Assembly shall not take measures for reform, this Convention will proceed to ulterior and decisive measures.'

"Dr. Junkin suggested, 'that the resolution was too undefined. It does not state what measures we shall take, nor when.'

"Mr. Musgrave said, 'We are not yet prepared to say what measures we will adopt. We must wait till we see the action of the General Assembly. If we proceed now to say what that action ought to be, we shall be greatly divided in opinion, and cannot agree in anything to be determined upon. It will moreover be very injudicious in us to present a request to the Assembly for important reforms, and dictate to them by threats what they shall do.'

"Dr. Junkin thought that 'definite, decided action, was the thing now to be resolved on.' He moved to amend, by appending to the resolution the words, 'for separating the Pelagians and anti-Presbyterian party from the Presbyterian Church.'

"'Dr. Wilson objected to the word 'Pelagian,' in the amendment. In all the charges for false doctrine which he had framed, he had never accused any man of Pelagianism. There is a great deal of semi-Pelagianism and Arminianism in the church; but if there be Pelagianism I do not know it. If the amendment be adopted, I shall insist on determining the *modus operandi* of the separation. This is the last Convention I shall ever attend if I live to fourscore. But I mean to know before I leave this Convention what the Old School are to do.'

"Mr. Brown said: 'I will not consent to menace the General Assembly. It is utterly out of place for us to decide for the Assembly and dictate to them.'

"Dr. Baxter said: 'I am not prepared for revolutionary measures. To attempt such would be usurpation in us. Even if we proclaim division, and the church sustains us,

and a new General Assembly is formed out of the orthodox portion of the church, still the whole affair has a most irregular origin.'

"In the discussions of the general questions of *Reform* or *Separation*, a multiplicity of subjects was introduced—the heresies and disorders of certain bodies, plans of union, Congregationalism, Hopkinsianism, New Havenism, Abolition, Slavery, Voluntary Societies, &c.

"The debate on a resolution to discountenance the Home Missionary and Education Societies showed the feeling of the Convention in reference to other voluntary societies.

"Mr. Breckinridge moved to amend by adding 'that other voluntary societies, and especially the American Board of Commissioners for Foreign Missions, be requested to use greater caution in respect to the interference by their agents, in the controversies of the Presbyterian church.' 'I mean this,' said Mr. Breckinridge, 'as an indictment of the Am. B. C. F. Missions.'

"Mr. Plumer said: 'There has been no evidence furnished to my mind that the bodies here aimed at have done wrong. The improprieties are the improprieties of the agents.'

"Mr. Smyth of Charleston, said: 'If the language of the amendment be right, as respects the Am. B. C. F. Missions, it is equally applicable to the agents of the Western Foreign Missionary Society, (Old School,) for the agents of that Board have interfered with us.'

"Mr. Engles said: 'In the station which I occupy, I have had access to a number of facts illustrating the influence of Voluntary Associations on the controversies of the Presbyterian church. All of them, in a greater or less degree, have meddled. Yet I think the introduction of this amendment unhappy; it has consumed time, and excited unpleasant feeling. Notwithstanding the explanations that have been given of this amendment, it implies strong censure. Of all the societies meant to be reached by it, the Am. Board I believe to be the least obnoxious to such a charge. I could state facts which would show the Sunday School Union and the Tract

Society are much more so, if they are to be held responsible for the doings of their agents.'

"The Convention at last agreed upon a Memorial to the General Assembly. It was presented to the Convention by Mr. Breckinridge, the author of the Act and Testimony, and is much in character with that document, though prepared with more caution. It treats, 1. 'In relation to doctrine.' 2. 'In relation to church order.' 3. 'In relation to discipline.' 4. 'Method of Reform."—*Wood's History of the Presbyterian Controversy, pages* 101–108.

The documentary evidence of a spirit of intolerance and determination to govern the church on the part of our exscinding brethren may be summed up in few words. They have departed from the tolerant principles and spirit of American Presbyterianism as set forth in the adopting act of 1729, by requiring an assent to all the minute details of the Confession of Faith, according to *their* interpretation of its language. By the Act and Testimony, sent out in 1834, by the acts of the Convention in Pittsburg, the ensuing May, the secret circular and pamphlet, sent out by "the Confidential Committee," appointed at the secret meeting, held in the Rev. Mr. Blythe's church in Pittsburg in 1836, and by the Convention held in Philadelphia in 1837, the ruling spirits of the revolutionists, have furnished a mass of evidence, which it would require no small amount of prejudice and credulity to set aside, of their determination to prevent the operation of the Voluntary Societies in the Presbyterian Church, and govern her counsels. These were unquestionably the *real* reasons of the acts of the Assembly of 1837, which rent the church asunder. The truth of this statement is fully established by their own admissions and avowed purposes.

In 1831, soon after the unavailing effort to prevent the settlement of the Rev. Albert Barnes over the 1st Presbyterian Church in Philadelphia, Doct. Green published three numbers in "the Christian Advocate," entitled, "The Present State of the Presbyterian Church." In the first number we

find the following language: "We speak what we firmly believe, when we say, that unless in the passing year, there is a general waking up of the *Old School Presbyterians* to a sense of their danger and their duty, *their influence* in the General Assembly will *forever afterward* be *subordinate*, and *under control;* and we are willing that all parties should know that such is our conviction." There is no ambiguity in this language. It is a frank admission on the part of the writer that the *chief* ground of *his* fears respecting the church was, that the Old School Presbyterians were about to *lose forever their controlling influence* in the Assembly.

In his second number he complains that "preconcerted operations and arrangements" had been made by those whom he opposed, to secure a majority in the Assembly, and at the same time admits that his own party had done the same thing. He says, "They had themselves made some exertions to secure a return of such members to the Assembly as they believed would favor their cause; and they did not doubt that their opponents had done the same. But that such an extended, active, and systematic combination had been entered into against them, was as perfectly unknown and unapprehended by them, till it began to develop itself in the choice of a Moderator, as if the thing had been itself an impossibility. In military phrase, *they had been completely outgeneralled*, and were taken perfectly by surprise."

Were this statement accordant with fact, unless the Doctor were prepared to condemn his own party for the exertions which he admits they made to secure a majority in the Assembly, we see not for what those whom he so severely censures merit his crimination, unless it be that they made greater exertions and succeeded. It would seem that in the Doctor's judgment, it was not the *nature*, but the *amount* of the exertion, which they made, for which he condemned them. Their sin, in his estimation, seems to have consisted in the fact that they put forth an amount of effort which defeated that made by his own party. This is a species of casuistry to which we are not prepared to subscribe. The

fact, however, is, that no such combination as that of which the Doctor speaks had been formed. The "ministers supposed to be implicated by him and by the circular of the Central Committee," published a declaration over their own signatures, in which they say, "We think it, therefore, our duty to the Church and to ourselves, hereby solemnly to declare that no one of us knew of any preconcerted plan or effort designed to affect the members, the character, or the measures of the last Assembly."

We have before stated our belief that the controversy respecting doctrine had less to do in rending the Church asunder than that which related to the best means of giving the Gospel to the world. To this fact, the leaders in the so-called measures of reform give their decided testimony. The Doctor, in his second number on the state of the Church, when speaking of the special cause of the excitement in the Assembly of 1831, says, "It is not the case of Mr. Barnes. That case was indeed made an adjunct and auxiliary of the principal cause; but the cause itself, the baneful apple of discord, which has been thrown into the midst of us, is the inflexible purpose and untiring effort of the Corresponding Secretary and General Agent of the A. H. M. Society to amalgamate the Board of Missions of the General Assembly with that Society." Subsequently he remarks, "In stating the immediate exciting causes of the lamentable divisions, controversies, and alienations, which mark the present state of the Presbyterian Church, we should not do justice to the subject, if we did not set down as the most effective of all, the plans, and measures, and demands of the A. H. M. Society, and the interference of its members, both *in* the General Assembly and *out* of it, with the Board of Missions formed and sustained by that judicatory, and directly responsible to it for all its transactions."

In July of the same year, Dr. Green and the Rev. Messrs. Engles, Potts, and Winchester, and Messrs. M. L. Bevan, S. Allen, and F. Leaming, elders, sent out a circular to the

Churches, the object of which, they say, was to rouse them "to a just sense of their danger and their duty." In this circular they say, "Our Board of Education and Board of Missions must both receive a liberal patronage and a decided support. This is essential—without this we are undone. The voluntary associations that seek to engross the patronage of the Church, and have already engrossed a large part of it, have taken the start of us in the all-important concerns of education and of missions. They now labor to get the whole of these into their own hands, well knowing that if this be effected, they will infallibly, in a very short time, govern the Church; for education furnishes missionaries, and missionaries become pastors, and pastors with their ruling elders form Church Sessions, Presbyteries, Synods, and General Assemblies. Our Education and Missionary Boards, therefore, we repeat, must be sustained—must be promptly, and liberally, and efficiently patronized, or our Church is gone. We must take from others, so far as it is necessary, to give to these; and we ought to regard it as a sacred duty to withhold our aid from all institutions that seek to supplant or to rival these."

In 1831 the Rev. Dr. Wilson, of Cincinnati, attempted to establish four propositions, as before stated, against the claims of the A. H. M. Society, the last of which is in these words: "That the A. H. M. Society, by interference and importunity, disturbs the peace and injures the prosperity of the Presbyterian Church." His professed attempt to support this proposition, he closes by saying, "Families are divided, churches are divided, and ministers who once labored together as true yoke-fellows, now shun each other's society. This American Home is to Presbyterians what Campbellism is to the Baptists. And he who can affirm that the operations of this society have not disturbed the peace and injured the prosperity of the Presbyterian Church, may as easily say that the morning was never spread upon the mountains—that the sun never shone at noon." These statements he

follows with the remark, "The origin, organization, and operations of the A. H. M. Society prove clearly to me that the overthrow of Presbyterianism, as it now exists, is a leading object with those who understand the whole scheme."

In the Convention, held in Philadelphia, May, 1837, Mr. Musgrave, when speaking of the Voluntary Societies, said: "I call them not benevolent, but party engines. But we forget the machinery that is at work against us, manufacturing and sending out ministers so rapidly, that if we simply wait, discuss, and do not *act* in twelve months, our case will be entirely hopeless. Some of our brethren are already clear that the present state of things is no longer tolerable. They will have a reform or separation. Is it not clear that the institutions, which divide and ruin us, must be destroyed?"*

"The debate on a resolution to discountenance the Home Missionary and Education Societies showed the feelings of the Convention in reference to other Voluntary Societies.

"Mr. Breckinridge moved to amend by adding 'that other Voluntary Societies, and especially the A. B. C. F. Missions, be requested to use greater caution in respect to the interference by their agents, in the controversies of the Presbyterian Church. I mean this,' said Mr. Breckinridge, 'as an indictment of the A. B. C. F. Missions.'"†

In the pamphlet sent out by the "Confidential Committee" appointed at the recent meeting held in Mr. Blythe's Church in Pittsburg, they say expressly—"whatever else may be dark, this is clear, *we cannot continue in the same body*. In some way or other, therefore, these men must be separated from us."

Mr. Witherspoon, the Moderator of the Assembly, when returning from the meeting at which the Confidential Committee just alluded to was appointed, "remarked to a gentleman who accosted him on the subject of the meeting,

*II. Wood's History, page 103.

†Ibid. page 107.

'the die is cast; the Church is to be divided.' Since that, a letter from Mr. Witherspoon has been seen, which expresses the same sentiment."*

After the meeting of the Assembly of 1836, the papers, which were in the interests of the party, openly advocated the division of the Church. "The editor of the Western Presbyterian Herald, (3d Nov., 1836), speaking as though division was certain, says: 'As to which way the work will go, surely when intruders have disturbed our house, and will neither come to order, nor quietly leave us, upon mutual agreement, *we will put them out as soon as we are strong enough;* and the signs of the times are beginning to intimate, that this may be sooner than any of us expected a little while ago."†

"A Correspondent" of the Presbyterian, in speaking of the object of the Convention, to meet in Philadelphia, May, 1837, said: "Let it be distinctly understood, that the precise object for which it is called, is to effect a division of the Church, and to deliberate on the manner of accomplishing that great and noble work."‡

"The Assembly of 1837, after the excision, in their Pastoral Letter, say: 'Discerning men have perceived, for a number of years, that the affairs of our beloved Church were hastening to a crisis, and when the members of the present Assembly came together, the state of the parties was such, as to make it manifest that a division of the Church was the most desirable object that could be effected.'"§

In the Convention of 1837, Mr. Musgrave said: "Let us settle this, that if the New School have the majority in the next Assembly, we are a *dead* minority.—If the last Assembly, and other Assemblies, have not brought up the Church to secure a majority, all hope is gone.—If the next Assem-

* Plea for Voluntary Societies, page 167.

† H. Wood's History, page 96.

‡ Ibid. page 97. § Ibid. page 98.

bly be Old School, what shall we do? If reform be impossible, the imperative alternative is separation. Let us cling together and strive for victory, or fall in the effort."*

"Dr. Junkin said: 'We must not count on a majority; let us have some settled principles. Do not trust a New School majority to arraign and cut off New School men and New School Presbyteries. If we have a majority, we can do what we please; and we know what we shall do, we must be prepared for amputation, difficult and painful as it is.'"

"The Convention found it difficult to agree upon a plan of action, provided they should be a minority in the Assembly. Dr. Junkin urged the Convention in such a case, 'at once to bring in its ultimatum, and say—we are determined as one man, that unless this reform is immediately effected, *we will cut you off*. *We* are *the Presbyterian Church; you* are *not*, but are undermining its foundations.'"†

The Rev. R. L. Breckinridge, in the course of the debate in the Assembly upon the resolutions to cut off the four Synods, made the frank avowal, in these or words of the same import, "Moderator, I am aware the Constitution makes no provision for acts like these; but the fact is, we have the power in our hands now, and we must use it, for the Church will never give it to us again." This is a frank admission of the unconstitutionality of the measure; that if carried, it would be an act of mere arbitrary power.

Admitting what the fathers and brethren whose language we have just quoted, have said respecting their zeal for the purity of the Church, from their own admissions it is evident the *chief* ground of their solicitude, was the fear that the influence of their party was ever after to be subordinate—that they would "be a dead minority," unless something were immediately done to prevent so dire a calamity. In order to avert it, and secure the power for which they were laboring, they deemed it indispensable that the operation of

* Wood's History, page 104. † Ibid. page 105.

the voluntary societies in the Presbyterian Church should cease. To ensure this, they resolved by some means or other, to rid themselves of a sufficient number of the friends of these institutions, to secure and perpetuate the power of their party and secure to their favorite organizations the entire patronage of the Church. This is what Constitutional Presbyterians have uniformly said was the real ground of those revolutionary and unrighteous acts, which rent the Church asunder. We hope we shall no longer be censured for believing what is fully attested by leading men of their own party.

Chapter Sixth.

MEASURES TAKEN BY THE CONSTITUTIONAL PORTION OF THE CHURCH TO PRESERVE ITS INTEGRITY, AND PREVENT THE ORGANIZATION OF AN IRREGULAR ASSEMBLY.—THEY SUCCEEDED IN ORGANIZING IT IN STRICT ACCORDANCE WITH THE PRINCIPLES OF THE CONSTITUTION.

To the meeting of the Assembly of 1838, both the exscinders and their adherents, and the exscinded, and those who were resolved to do their utmost to redress their grievances, looked forward with interest. By both parties it was well understood that the manner of its organization must decide whether the acts of the Assembly of 1837, by which the four Synods were declared out of the church, and the Third Presbytery of Philadelphia was dissolved, were to be sanctioned, and the church permanently divided, or this sad catastrophe prevented, and the exscinded restored to the position which they had previously occupied. The Assembly which thrust them out, left nothing within the limit of their ability unattempted for carrying out their revolutionary and unrighteous measures. That this statement may be made intelligible to those who are not familiar with the method of making out the roll of the Assembly, preparatory to its organization, it may be proper to state that the commissions are required to be put into the hands of the clerks, who are a committee to receive them, and enter the names of the commissioners upon the roll of the Assembly. The Assembly of 1837 required and obtained a pledge from this committee that in making out the roll of the commissioners to con-

stitute the Assembly of 1838, they would omit the names of those from the Presbyteries within the bounds of the exscinded Synods. This, the constitutional party, were resolved, if possible, to prevent. Believing the excision of the Synods to have been an act of arbitrary power, in direct contravention of the principles of the Constitution of the Church, they determined to omit nothing which they could do with propriety, to secure to the Commissioners from the Presbyteries within the bounds of the disowned Synods, seats in the Assembly. Of this, unpropitious as were the circumstances, they did not despair. They knew there were many excellent men who, in church polity and doctrinal views, were substantially agreed with the exscinders, who, nevertheless, disapproved of their exscinding acts. These, it was hoped, would put forth some effort to procure their repeal. It was also hoped, some who voted, and others who at first attempted to vindicate those acts, after a year's reflection, would see and acknowledge their error, and "bring forth fruits meet for repentance." Such were the hopes of the members of the Convention at Auburn, New York, in Aug., 1837. The first paragraph of their circular letter "to the Judicatories, Ministers, and Members of the Presbyterian Church in the United States," is in these words:

"BRETHREN, BELOVED IN THE LORD:

"You will perceive from the published minutes of the Convention, that we have come *unanimously* to the conclusion that the integrity of our church is not to be despaired of, and that the apprehended evils of division on the one hand, and the hope of deliverance on the other, together with our solemn vows to seek her prosperity, demand our united endeavors to restore her peace, and perpetuate her unity. This result has been obtained after much deliberation and prayer, and the consideration of many documents and letters from different and distant sections of the church, indicative of a very extensive and increasing disapprobation of those acts of

the late General Assembly, of which we complain, as unjust and oppressive."

The concluding language of this letter is equally pacific and hopeful with that with which it commences. They say, —"In a representation of the whole church, by such men as the exigencies of her danger may convene, we cannot doubt that the rights of conscience, and the preference of the two great divisions of the church, may be amicably adjusted. Nor do we believe it to be true that wounds have been inflicted which cannot be healed, or alienations created which cannot be reconciled. For though we have been tried by each other's language, our temptations and sins have not, we trust, vacated our confidence in each other's Christian character, or created the ranklings of a personal hostility, or obliterated the remembrance of those years of prosperity through which some of us have travelled from early life to gray hairs, and the verge of heaven. And we cannot be willing that a revolutionary revulsion of the church, so late in time, and so near the church's glorious day, should go down in such dark imagery upon the page of her history. We entreat, therefore, the judicatories of the church to send to the next Assembly those who will reverse the revolutionary action begun, and by the favor of heaven, once more pacificate the church. But should our efforts to restore the harmonious action of our church be unavailing, it will be a melancholy pleasure worth preserving, to reflect that we have done what we could. Moreover, if the church must divide, it is still important that our common Christianity, and our institutions of civil liberty, should be rescued from the peril and disgrace of a *violent* division, and that under auspices different from those that ruled in the hour of her calamity, she may be peaceably and amicably divided."

In accordance with the views presented in these extracts, from the circular letter of the Auburn Convention, and for the purpose of securing the objects at which they aimed, on the Monday evening preceding the meeting of the General

Asssembly, a Convention met in the First Presbyterian Church in the city of Philadelphia, for consultation and prayer. The evening was spent in devotional exercises, in the presence of a large and deeply interested congregation. In the published account of the exercises, it is stated that "It was most evident that God was present on the occasion; and all felt as if such a spirit of prayer and conciliation, and fraternal harmony and affection, was a token for good. Not a word was uttered, nor an allusion made during the whole of the services, but what was conciliating and kind." To this Convention all the Commissioners to the General Assembly were invited.

The next morning a Convention met "for prayer and consultation," in the Seventh Presbyterian Church in Philadelphia, to which no Commissioners to the approaching Assembly were invited nor admitted, except such as were in favor of sustaining the revolutionary measures of the previous Assembly.

While these two Conventions were in session, the Constitutional one adopted the following resolutions, viz. :—

"*Resolved* 1. That while we regard with deep sorrow the existing difficulties in our beloved church, we would fondly hope that there are no insurmountable obstacles in the way of arresting the calamity of a violent dismemberment, and of securing such an organization as may avoid collision, and secure the blessings of a perpetual harmonious action.

"*Resolved* 2. That we are ready to co-operate in any efforts for pacification, which are constitutional, and which shall recognize the regular standing and secure the rights of the entire church, including those portions which the acts of the last Assembly were intended to exclude.

"*Resolved* 3. That a Committee of three be now appointed, respectfully to communicate the foregoing resolutions to those Commissioners who are at present inclined to sustain the acts of the last General Assembly, and t i

quire whether it be their pleasure to open a friendly conference for the purpose of ascertaining if some constitutional terms, if practicable, may not be agreed upon."*

The Hon. Willard Hall and the Rev. Drs. Hill aud Fisher were appointed a committee to communicate these resolutions to the commissioners, convened in the Seventh Presbyterian Church, for deliberation.

"It was resolved to spend a season of prayer for the Divine blessing upon this attempt to adjust amicably the difficulties between the two parties. All felt this to be a most solemn and critical moment, and an unusual spirit of prayer was manifest."*

On the afternoon of the following day, this committee made their report. They were "not permitted to enter the house where the Old School Convention was convened—they were kept standing without for forty minutes, and were finally told by a committee appointed to confer with them, that the subject would be presented for the consideration of the Convention, and that the result would be communicated in writing. The following is the communication:"

"The Committee on the communication from the meeting of Convention now in session in the lecture-room of the First Church, presented the following preamble and resolutions, which were read and adopted, viz.:—

"Whereas, the resolutions of 'the meeting,' whilst they profess a readiness 'to co-operate in any efforts for pacification which are constitutional,' manifestly proceed upon the erroneous supposition that the acts of the last General Assembly, declaring the four Synods of the Western Reserve, Utica, Geneva, and Genesee, out of the ecclesiastical connection of our church, were unconstitutional and invalid, and the Convention cannot for a moment consent to consider them in that light; therefore,

"1. *Resolved, unanimously*, That the Convention regard the said overture of 'the meeting,' however intended, as founded upon a basis which is wholly inadmissible, and as

*New York Observer, May 20th, 1838.

calculated only to disturb that peace of our Church, which a calm and firm adherence to those constitutional, just, and necessary acts of the last General Assembly, can alone, by the blessing of Divine Providence, establish and secure.

"2. *Resolved*, That in the judgment of the Convention, the resolutions of the last General Assembly, which provide in substance that all churches and ministers within the said four Synods, which are strictly Presbyterian in doctrine and order, and wish to unite with us, may apply for admission into those Presbyteries belonging to our connection, which are most convenient to their respective locations, and that any such Presbytery as aforesaid, being strictly Presbyterian in doctrine and order, and now in connection with either of the said Synods, as may desire to unite with us, are directed to make application, with a full statement of the case, to the next General Assembly, which will take order thereon, furnishes a fair and easy mode of proceeding, by which all such ministers, churches, and Presbyteries, within the said Synods, as are really desirous to be 'recognized' as in 'regular standing' with us, and as proper parts of our 'entire Church,' may obtain their object without trouble and without delay."*

These resolutions in reply to the pacific overtures of the Convention, sitting in the 1st Presbyterian Church, blasted all the hopes that had been entertained by them, of an amicable adjustment of the difficulties which threatened the permanent division of the Church. Previous to the adoption of these resolutions, the Convention had resolved "that the acts of the last General Assembly, declaring the four Synods of Western Reserve, Utica, Geneva, and Genesee out of the ecclesiastical connection of the said Church, be cordially and conclusively sustained."†

Their whole proceedings made it manifest as the light of noon-day, that the only pacification, which they contemplated, was that of *passive obedience* to their rule and dictation. Nothing now remained for the Constitutional party,

* New York Observer, May 26th, 1838. † Ibid.

but to bow to their usurped and unrighteous authority, or endeavor to secure the organization of the Assembly in accordance with the principles of the Constitution. In view of the uncertainty of the success of the pacific overture, made to their brethren of the other Convention, while the negotiations for pacification were pending, the following resolution was introduced and subsequently passed, with but one or two votes in the negative, viz.:

"*Resolved*, That should a portion of the Commissioners to the next General Assembly attempt to organize the Assembly without admitting to their seats commissioners from all the Presbyteries recognized in the organization of the General Assembly of 1837—it will then be the duty of the commissioners present, to organize the General Assembly of 1838, in all respects according to the Constitution, and to transact all other necessary business consequent upon such organization."*

Such was the position of the two parties when the time for the meeting of the Assembly arrived. Those who met in Convention in the 7th Presbyterian Church, were resolved to sustain the revolutionary acts of the last Assembly, and exclude from the one about to be organized all commissioners from the Presbyteries within the bounds of the disowned Synods. Those who met in the 1st Church, were resolved to use all lawful measures to prevent an organization so manifestly unconstitutional and unrighteous, and secure one in accordance with the provisions of the Constitution. The meeting of the two conventions on the eve of the meeting of the Assembly, one to sustain the revolutionary acts of that of the previous year;—the other, if possible, to annul them, and secure the integrity of the Church, and public rumor, had produced great excitement and called together a large concourse of people. The Assembly met in the 7th Presbyterian Church. "At an early hour the Reformers were found in a body near the pulpit, and the two doors near

* New York Observer, May 26th, 1838.

the Moderator's chair, locked,"—a thing believed to be wholly unprecedented in the annals of the Presbyterian Church in the United States. The Commissioners, who were opposed to the arbitrary acts of the Assembly of the previous year, were compelled to enter the door in the rear of the church and take seats behind their brethren, who had taken possession of those near the pulpit.

The sermon being ended, the Rev. Doct. Elliot, the Moderator of the last Assembly, announced that the General Assembly would be constituted with prayer. After prayer, before the Clerk had presented the roll of the Assembly, the Rev. Dr. Patton offered the following preamble and resolutions, viz:

"Whereas, the General Assembly of 1837 adopted certain resolutions intended to deprive certain Presbyteries of the right to be represented in the General Assembly;—and whereas, the more fully to accomplish their purpose, the said Assembly of 1837 did require and receive from their clerks a pledge or promise, that they would, in making out the roll of commissioners to constitute the General Assembly of 1838, omit to insert therein the names of commissioners from said Presbyteries;—and whereas the said clerks, having been requested by commissioners from the said Presbyteries to receive their commissions and enter their names on the Roll of the General Assembly of 1838, now about to be organized, have refused to receive and enter the same—Therefore,

"1. *Resolved*, That such attempts on the part of the General Assembly of 1837 and their clerks, to direct and control the organization of the General Assembly of 1838, are unconstitutional, and in derogation of its just rights as the general representative judicatory of the whole Presbyterian Church in the United States of America.

"2. *Resolved*, That the General Assembly cannot be legally constituted except by admitting to seats and to equality of powers, in the first instance, all commissioners, who present the usual evidences of their appointment; and

that it is the duty of the clerks, and they are hereby directed, to form the Roll of the General Assembly of 1838, by including therein the names of all commissioners from Presbyteries belonging to the said Presbyterian Church, not omitting the commissioners from the several Presbyteries within the bounds of the Synods of Utica, Geneva, Genesee, and the Western Reserve; and in all things to form the said Roll according to the known practice and established usage of previous General Assemblies."*

The Moderator declared Dr. Patton out of order, as the first business was the formation of the Roll. Dr. Patton replied that the resolutions had reference to its formation, and that if permitted to present them, he would do so without remark. The Moderator again declared him out of order. Dr. Patton appealed from this decision. The Moderator declared the appeal out of order, and refused to put it. Dr. Patton then took his seat without reading the resolutions.

The Clerk then read the roll of the Commissioners, omitting those from the disowned Synods.

The Moderator then stated that if other commissioners were present, whose names had not been entered on the roll, they could then present them.

The Rev. Erskine Mason, D.D., one of the enrolled members, then rose and said, "Moderator, I hold in my hand a number of commissions which the clerks have rejected: I now tender them to the house, and move that their names be added to the roll." The Moderator declared the motion out of order. Dr. Mason then appealed to the house, but the Moderator refused to put the appeal. By this refusal, the rights of Dr. Mason, and the rights of the house, were invaded, and a question of privilege, which takes the precedence of all other questions, and is always in order, was raised. Decisions by the presiding officer of a deliberative body, more arbitrary and unrighteous, cannot well be conceived. They were in direct conflict with the 29th of the general rules,

* S. Miller's, Jun. Report of the Presbyterian Church case, p. 51.

for the government of Church Judicatories in the transaction of their business, which is in these words, viz.:

"If any member consider himself as aggrieved by a decision of the Moderator, it shall be his privilege to appeal to the judicatory; and the question on such appeal *shall be taken* without debate."

After Doctor Mason had taken his seat, "The Rev. Miles P. Squier rose in his place, and said, that he had been regularly commissioned from the Presbytery of Geneva, that he had handed his commission to the Clerks, and that they had refused to receive it; that he tendered it to the Assembly, and demanded his seat upon that floor. The Moderator asked whether the Presbytery of Geneva belonged to the Synod of Geneva? On being told that it did, the Moderator said, 'We do not know you,' and Mr. Squier sat down."*

The Rev. John P. Cleveland then rose and said in substance, "As the Commissioners from a large number of Presbyteries have been denied their seats in this house, and as we have been advised by counsel learned in the law, that a Constitutional Assembly must be organized at this time and place, he trusted it would not be considered an act of discourtesy, but merely of necessity, if we now proceed to organize the Assembly of 1838, in the fewest words and in the shortest time, and with the least interruption practicable. I therefore move that Doctor N. S. S. Beman, from the Presbytery of Troy, take the chair." This motion was put by Mr. Cleveland and carried, a few voices only being heard in the negative, and Doctor Beman was declared duly elected.

The Rev. Doctor Mason and the Rev. E. W. Gilbert were then chosen clerks. Doctor Beman then called for nominations for a Moderator. Doctor Fisher was nominated, and chosen by an overwhelming majority. Doctor Beman then declared Doctor Fisher elected, and resigned his place to him. Doctor Fisher took it, and called for nominations for Clerks. Doctor Mason and Mr. Gilbert were nominated, and elected.

*Presbyterian Church case, by S. Miller, Jun., page 80.

A motion was then made and carried to adjourn to the Lecture Room of the First Presbyterian Church. Doctor Fisher gave notice of the adjournment, and requested any Commissioners present who had not yet handed in their Commissions, to do so at the place and time to which the Assembly had adjourned.

After the Assembly thus organized had left the church, "the Commissioners, who adhered to the acts of the Assembly of 1837, having with few exceptions taken no part in the transaction, organized themselves into an Assembly, and have subsequently taken measures to divide the Presbyterian Church by organizing into separate Synods, Presbyteries and Churches, such minorities in different parts of the country as adhered to them, and when they had the majority, casting out such minorities as adhered to this" (that is, the Constitutional) "Assembly."*

These are indeed afflictive and humiliating events to be placed upon the pages of history, but Constitutional Presbyterians do not feel themselves responsible for them. In 1837 they labored to prevent the passage of the exscinding acts, and in 1838 the organization of an irregular Assembly. Though unsuccessful in these efforts, they organized the Assembly in strict conformity with the Constitution, before the exscinders organized theirs upon their new basis. This they did in as courteous and orderly a manner as the circumstances admitted, but the act has been severely censured, and even ridiculed. In the circumstances, it is manifest the Assembly could not be constitutionally organized without excitement and some confusion, for the Moderator, Clerks, and Commissioners, who approved and were determined to sustain the acts of the previous Assembly, declaring the four Synods out of the Presbyterian Church, were leagued together to prevent it. Any one, however, who will read with candor the testimony of the witnesses at the trial, instituted for deciding which of the two Assemblies was consti-

* Minutes of the Constitutional Assembly for 1839, page 59.

tutionally organized, cannot fail to be convinced that the accounts of the excitement and noise at the time of the organization, are gross exaggerations, and that a large share of what was really objectionable is chargeable to their own party. The fact is, the Commissioners, who were opposed to the organization of an irregular Assembly, were laid under the necessity of organizing one at that time and place in conformity with the Constitution, or see it trampled upon, and abandon their principles and their brethren, who had been ruthlessly cast out of the Church. The latter they could not do. Nothing therefore remained for them but to remove the Moderator and Clerks who refused to do their duty, and elect such to fill their places as would aid in organizing a regular Assembly. This they did, and thereby secured such an organization.

Those who opposed it, and subsequently organized an Assembly on a new basis, have often asserted, but never proved that Mr. Cleveland had no right to put the motion for Doctor Beman to take the chair, till a new Moderator should be chosen. If the action of Congress, in similar circumstances, is to be regarded as valid authority, he had a perfect right to put the motion.

"The Twenty-Sixth Congress met on the second of December, 1839. According to" established usage, "the Clerk of the House of Representatives takes the chair till the organization of the body is completed. The Clerk at the proper time and place, when the members came together, commenced calling the roll. He proceeded with the States till he came to New Jersey. He then proposed passing over her representatives, as their seats would be contested. Passing over these members would probably give to the Clerk's party the balance of power in the organization, election of speaker, &c. Here business came to a stand. The Clerk was unwilling to proceed, except in his own way. On the fourth day Mr. Adams rose and said:

'Fellow-citizens and members elect of the Twenty-Sixth

Congress of the United States—I address myself to you, and not to the Clerk in the chair, under a painful sense of my own duty. The Clerk has said, he will not proceed in the call, according to established usage and custom. He discovered yesterday that he might put the question of adjournment. He therefore put it; but he gave notice that he should put no other question. Fellow-citizens, in what predicament are we placed? We are fixed as firmly and immovably as these columns around the house. We can neither go forward nor backward, and the Clerk tells us he will persist in both the decisions he has made. We must organize. If there is difficulty in relation to any portion of us, we must do what Mr. Jefferson said was done when Lord Dunmore dissolved the legislature of Virginia on a sudden. What did they do? They adjourned to a tavern, they constituted themselves a convention, and they acted as the legislature of the State or Colony. They actually, instead of being assembled in the place from which the Governor had excluded them, adjourned to another place, formed themselves into a Convention, and there acted in the name of the State. I call upon you in the name of the people to organize. I call upon the house to set aside entirely his decisions, and to act for themselves. I have no doubt of their power to do it. Therefore, in submitting this proposition, I have no reference to the clerk, nor to any opinion of his. I propose that the house itself should act. It may, if it pleases, choose a temporary Clerk.'

"These extracts from Mr. Adams' speech will show how Congressmen feel in a case in which an officer refuses to do his duty. Mr. Adams was repeating his call upon the House to act, regardless of the gentleman in the chair, when he was interrupted by many members asking, 'How shall the question be put?' Mr. Adams replied, raising his voice above the tumult: 'I intend to put the question.' Mr. Adams was accordingly soon nominated, and elected to act as chairman, till the house could be organized, and a speaker appointed."

"Here is, then, a case in point. Has any one contended that Mr. Adams had no right to put the question? Has any one said that the Twenty-Sixth Congress was not constitutionally organized, because the gentleman in the chair was removed and another put in his place?"*

"And how very similar the two organizations! The Moderator of one body and the clerk of the other, according to law, were acting as chairman till the organization of the bodies, and the election of presiding officers. The chairman of each body refuses to enroll certain members claiming seats, with commissions in proper form. They refuse to put motions bearing upon the roll. Mr. Cleaveland in one body, and Mr. Adams in the other, rise and call upon the members to organize—to act regardless of the decisions of the chair, and appoint other officers who will organize according to law and usage. And the thing was done. There was opposition and cries of order from those who were opposed to the organization. But the voices of Mr. Adams and Mr. Cleaveland rose above the swelling tumult—above the cries of order, the coughing and scraping of the opposition, and were heard by all who wanted to hear."*

The Assembly organized under Doct. Fisher as Moderator and Doct. Mason and Mr. Gilbert as Clerks, was not a different one, as those who trampled upon the Constitution by refusing to enter upon the roll of the House the names of a portion of the Commissioners, and their adherents have often asserted, but the continuation of the one in the process of formation, which could not be completed under its original officers. Had their refusal to do their duty been the result of a sudden ebullition of bad temper,—a mere temporary excitement, they would soon have passed away, and with them, the obstacles to a regular organization. But it was not. It was the result of a settled, avowed purpose to carry out the revolutionary measures of the Assembly of the previous year. Hence the Commissioners to the Assembly of 1838,

* Wood's History, pages 156, 157.

who removed those officers, and appointed others, who performed their duty, and admitted all who presented Commissions in due form of their appointment by their Presbyteries, to seats in the House, completed the organization of a strictly Constitutional Assembly.

Chapter Seventh.

THE ASSEMBLY, WHICH HELD ITS SESSIONS IN THE SEVENTH PRESBYTERIAN CHURCH IN 1838, WAS ORGANIZED UPON A BASIS WHOLLY UNKNOWN TO OUR CONSTITUTION.

The Form of Government, Chapter XII., section 2d, reads thus: "The General Assembly shall consist of an equal delegation of Bishops and Elders from each Presbytery." A large number of Bishops and Elders, appointed by their respective Presbyteries to attend the Assembly of 1838, went to the place of meeting with Commissions made out in due form, against whom no charge of heresy or irregularty had been substantiated or even brought. They were, it is true, from Presbyteries within the bounds of the disowned Synods. It has been shown, however, in a previous part of this history, that the acts of the Assembly by which they were declared no longer in connection with the Presbyterian Church in these United States, were unconstitutional and void. Consequently their Commissioners were as fully entitled to seats as those from other sections of the Church. But those who had declared them out of the church and their coadjutors, had taken every precautionary measure to prevent them from obtaining seats in the Assembly. The Assembly of the previous year had required and obtained a pledge from the Clerks that they would not receive their Commissions. This pledge they redeemed. The Commissioners, who held their Convention in the church in which the Assembly was organized, took their seats near the pulpit at an early hour, caused the doors on each side of it to be locked,

and obtained a pledge from the Trustees of the church that no other Assembly than the one which should be organized under the direction of the Moderator and Clerks of the last Assembly, should have the use of the building. Had it been their purpose to organize the Assembly according to the Constitution, these unprecedented measures, preparatory to its organization, would have been wholly unnecessary. Sticklers as they professedly were for the Constitution, in their efforts to organize the Assembly, they utterly disregarded its requisitions. They labored to perfect the revolution, commenced by the Assembly of the previous year, till the Moderator and Clerks were removed, and the Assembly was regularly organized by the appointment of others, who performed their duty. After the Assembly thus constitutionally organized had adjourned to the First Presbyterian Church, they remained, and organized an Assembly upon a "new basis." This is evident from the report of "the Committee on the State of the Church," adopted by that body on the 30th of May. This report we present entire, that our readers may have the evidence of the truth of what we assert in their own language. The report is as follows, viz:

"The Presbyterian Church in the United States of America finds itself, by the providence of God, in the course of new and unprecedented events, in a position of great difficulty, novelty and importance. The Church, led and supported by the God of Zion, has within the last few years commenced a great reform, which had become indispensable to its very existence, as organized on the principles of the doctrine and order of its own Constitution. The General Assembly of 1837 carried forward this reform in several measures of great and momentous importance, for the details of which we refer to its records. The voice of the Church, uttered in a multitude of forms, and especially by the Commissioners to the present General Assembly, is clearly and decisively in favor of consummating the reform thus auspiciously commenced."

"But a portion of the Ministers and Ruling Elders, sent to this Assembly, forgetting or violating, as we apprehend, their duty to God and to the Church, and choosing to depart from us, have, in connection with other persons not in the communion of our Church, constituted a new ecclesiastical organization, which they improperly and unjustly assume to call the General Assembly of the Presbyterian Church in the United States of America. To meet the present crisis at once, with the temper and spirit becoming our high vocation, and to preserve in it, and carry safely through it, the Church committed in so great a degree to our guidance, in times of so much trial and disorder, the three following Acts are now ordained and established, by the General Assembly of the Presbyterian Church in the United States of America."

"ACT. I.

"SECTION 1st. That in the present state of the Church, all the Presbyteries in our connection ought to take order, and are hereby enjoined to take such order as is consistent with this minute, for the general reform and pacification of the Church; and they are directed so to do some time between the dissolution of the present General Assembly and the fall meetings of the Synods, either at stated, or at *pro re nata* meetings of the Presbyteries, as shall seem most advisable to them respectively. And those presbyteries whose commissioners to this Assembly have united with others in the formation of another Assembly, in the presence of this, and with tumult and violence in open contempt of it; or who have advised the formation of said body, or adhered to, or attended it as members thereof, after its formation, renounced, or refused to recognize this true and only General Assembly of the Presbyterian Church in the United States of America, are hereby required to take proper order in regard to their said commissioners."

"SECTION 2d. In case the majority of any Presbytery,

whose commissioners have acted as aforesaid, shall take proper order touching their conduct in the premises, and are willing, upon the basis of the Assemblies of 1837 and 1838, to adhere to the Presbyterian Church in the United States, then and in that case the acts of their said commissioners, in advising, creating, or uniting with said secession, or in refusing to attend on this Assembly, as the case may be, shall not prejudice the rights or interests, or affect the integrity of said Presbytery, or its union with the Presbyterian Church in the United States of America, as an integral portion thereof."

"SECTION 3d. In case the majority of any Presbytery shall refuse or neglect to take proper order in regard to its seceding commissioners, or shall approve their conduct, or adhere to the new sect they have created, or shall decline, or fail to adhere to the Presbyterian Church in the United States of America, upon the said basis of 1837 and 1838, for the reform of the Church, then and in that case the minority of said Presbytery shall be held and considered to be the true Presbytery, and shall continue the succession of the Presbytery by its name and style, and from the rendition of the erroneous and schismatical decision, which is the test in the case, be the Presbytery; and if sufficiently numerous to perform Presbyterial acts, shall go forward with all the proper acts and functions of the Presbytery."

"SECTION 4th. In case the minority of any Presbytery should be too small to constitute a Presbytery, and perform Presbyterial acts, said minority shall remain in its existing state until the next subsequent meeting of the Synod to which it properly belongs, which will then take order on the subject. Otherwise there is a possibility that several Synods might be unable to constitute, if majorities of part of their Presbyteries should adhere to the secession, and the minorities attach themselves to other Presbyteries, or several unite into one, before the Synods meet."

"SECTION 5th. The principles of this Act shall be ap-

plied to *Churches*, with their majorities and minorities, and to church sessions, as far as they are applicable. And the Presbyteries are hereby required so to exercise their watch and care, that as far as possible, all the Churches may be preserved: and where, unhappily, this cannot be done, then the minorities in the sessions and churches shall be cared for, and dealt with on the general principles now laid down."

"The Assembly is fully sensible, that in divided Presbyteries and Churches, every thing depends, under God, upon the promptitude, firmness, wisdom and moderation of the friends of Christ, in this great crisis. In this conviction, the whole of that part of the subject which relates to Churches and private Christians, is especially commended to the Christian zeal, prudence, and fidelity of the Presbyteries and Church Sessions. In regard to the temporal interests of the Churches, and the difficulties which may arise on their account, the Assembly advise that, on the one hand, great liberality and generosity should mark the whole conduct of our people, and especially in cases where our majorities in the Churches are very large, or our minorities are very small: while on the other hand it would advise, that providential advantages and important rights ought not in any case to be lightly thrown away."

"Section 6th. It is enjoined on the Synods to take order on this subject—to see that the principles here laid down are duly enforced—to take care that the Presbyteries act as truth and duty require in the premises—to make such needful modifications in the Presbyteries as their altered circumstances may require—and to promote, by all proper means, the speedy pacification of the Churches, by delivering and saving them from heresy, disorder and schism, which having so long worked among them, is at length ready, by God's mercy, to be purged away."

"Section 7th. The Synods, in all cases, shall be considered lawfully constituted only when formed by or out of those Presbyteries recognized as true Presbyteries by this Assembly, according to the true tenor or intent of this Act."

"ACT II.

"*Whereas* the act of the Assembly of June 5th, 1837, declaring the three Synods of Utica, Geneva and Genesee, to be out of the ecclesiastical connection of the Presbyterian Church in the United States of America, made ample provision for the return into the bosom of the Church of every minister and church, truly Presbyterian in doctrine and order, as well within the bounds of the three aforesaid Synods, as within those of the Synod of the Western Reserve:

"And whereas, it is represented to this Assembly that, in addition to those who have embraced this invitation and provision of the aforesaid Act, there are others who have held back and are still waiting on the developments of Providence:

"And whereas, it was never the intention of the General Assembly to cause any sound Presbyterian to be permanently separated from our connection, but it is and always was the desire of the Church, that all who really embrace our doctrine, love our order, and are willing to conform to our discipline, should unite themselves with us:

"And whereas, moreover, the General Assembly has no idea of narrowing, but would rather expand its geographical limits, so as to unite, in bonds of most intimate fellowship, every portion of our beloved country, and every evangelical Christian like-minded with ourselves: It is therefore

"*Resolved*, by the General Assembly of the Presbyterian Church in the United States of America, that it be recommended,—

"1st. That those ministers and churches living within the geographical limits of the Synods of the Western Reserve, Geneva, Utica, and Genesee, who are willing to adhere to the Presbyterian Church in the United States, on the basis of the Acts of the Assembly of 1837 and 1838, for the general reform of the Church, take steps for the immediate or-

ganization of as many presbyteries as there are ministers and churches, such as are above described, sufficiently numerous to constitute, so that the whole number of presbyteries thus formed shall not exceed one presbytery for each of the aforenamed synods; and so that the territory of the Western Reserve shall in no case be added to that in Western New York. And in case only two presbyteries can be constituted on the ground occupied by the three Synods of Utica, Geneva, and Genesee, then that whole territory shall be divided between them. And in case but one Presbytery can be constituted, then the whole territory shall attach to it. In regard to the Western Reserve, it is desired that a single presbytery be formed as soon as convenient to embrace the whole ground."

"2d. The ministers and churches intended by this Act will hold such mutual correspondence as they shall deem needful, either by general meeting or otherwise; and then meet at such convenient time and place as may be agreed on by those who are to be embraced in the same presbytery, and then and there constitute themselves in a regular, orderly, and Christian manner, into a presbytery under the care of the General Assembly of the Presbyterian Church in the United States of America."

"3d. If as many as three presbyteries can be conveniently formed in Western New York, it will be orderly for them, as soon as possible thereafter, to unite and constitute themselves into a Synod upon the principles indicated in this Act; and such Synod, if formed, shall cover the entire territory heretofore occupied by the three Synods of Utica, Geneva, and Genesee. But in case only one or two presbyteries can be formed, then application shall be made by it, or them, for admission under the care and into the bosom of such Synod now in our connection, as shall be most convenient and natural. And the presbytery on the Western Reserve, if one should be formed, will adopt the same line of conduct. And any Synod to which application may be thus made by any

presbytery, shall take immediate order to accomplish the ends of this Act. And it is considered that any presbytery or Synod formed in pursuance of these directions, shall have full power to perform all presbyterial or synodical acts agreeably to the Constitution of the Church."

"Act III.

"*Section 1st.* Be it resolved by the General Assembly of the Presbyterian Church in the United States of America, That the Presbytery of Abingdon, now attached to the Synod of Tennessee, be, and hereby is, at its own request, detached from said Synod, and united to the Synod of Virginia, and it shall hereafter be an integral part of the Synod of Virginia, and subject to its care and oversight."

"*Section 2d.* And whereas it is known to the Assembly that all the Commissioners who were present at its constitution from the Synods of Tennessee, Michigan, and Missouri, with the exception of the Commissioner from the Presbytery of Abingdon, have withdrawn from the house, and, it is believed, have united in forming another body: Therefore,

"*Be it resolved,* That if the Synod of Tennessee shall, either by its own act or the acts of its presbyteries, adhere to the secession which has been made, or fail or refuse to adhere to the Presbyterian Church, as provided in the First Act; then the minority or minorities therein adhering as aforesaid to the Presbyterian Church, shall be attached to, and shall be under the care of the Synod of West Tennessee, and may proceed as afore directed in the First Act, and apply for admission to the Synod of West Tennessee, whose jurisdiction shall in that case be extended so as to include the ecclesiastical limits of the Synod of Tennessee; and if the like circumstances occur with respect to the Synod of Missouri, its minorities shall be under the care of the Synod of Kentucky on the same principles."

"On motion,

"*Ordered,* That the stated clerk send an attested copy of

the foregoing acts to the stated clerk of each presbytery and Synod in connection with the General Assembly."—*Minutes of the Assembly of* 1838, *pages* 33–37.

This is an extraordinary document, well worthy of a few moments' consideration. It commences by stating that "The Presbyterian Church in the United States of America finds itself, by the providence of God, in the course of new and unprecedented events, in a position of great difficulty, novelty, and importance." Her position was indeed novel and difficult, and made so by the acts of their own branch of it, in 1837 and 1838, against the earnest and repeated remonstrances of those who contended for a strict adherence to the Constitution. Their acts, which were a gross violation of it, they denominate "a reform—a great reform," which, in the document under consideration, they profess, and no doubt very sincerely, to desire to consummate. Previous parts of this history, however, show that the work in which they were engaged and eager to perfect, was *no reform*, but a *violent and disastrous revolution.* And yet, in the document before us, they have the assurance to say, "A portion of the ministers and ruling elders sent to this Assembly, forgetting or violating, as we apprehend, their duty to God and to the Church, and choosing to depart from us, have, in connection with other persons not in the communion of our Church, constituted a new ecclesiastical organization, which they improperly and unjustly assume to call the true Presbyterian Church in the United States of America."

In view of facts contained in previous parts of this history, our readers will judge for themselves who were guilty of violating "their duty to God and the Church"—those who thrust out so many of her ministers and communicants, and violently rent her asunder, or those who used every lawful means in their power to prevent their violent and revolutionary action, and, when they could not succeed, organized the Assembly in conformity with the Constitution.

Nothing can be more evident than that the authors of the

acts of which we complain did not organize *their* Assembly according to its requirements. Ministers and elders against whom no charge of heresy or irregularity had been substantiated, nor even brought in a constitutional manner, who had been regularly commissioned to the Assembly of 1838 by their Presbyteries, were denied seats in the body. According to their own admissions in the acts now under review, they organized their Assembly upon a new basis. In them they declare their purpose to recognize majorities, nay, minorities of presbyteries, sessions, and churches, as the case might be, as members of their body, who should adhere to it "upon the basis of the Assemblies of 1837 and 1838." According to the Constitution, the reception of the Confession of Faith "as containing the system of doctrine taught in the Holy Scriptures," and adoption of the Form of Government and Discipline, are all that is necessary to valid standing in the Church. With the revolutionists of 1838 this was altogether insufficient. Those who had fully complied with these requirements of the Constitution before they could be recognized as connected with their body, must declare their adhesion to the new basis, created by the Assemblies of 1837 and 1838. In the first act of the reforming ordinance now under consideration, the presbyteries are directed to take order on this subject previous to the next meetings of their respective Synods, under the fearful penalty of being declared not in connection with "the Presbyterian Church in the United States of America." Their adhesion to it upon this basis, they affirm to be "the test in the case." This test is wholly unknown to the Constitution. They of course organized upon a "new basis"—a basis which they have not to this day repudiated. This reformatory ordinance, without having been sent down to the presbyteries for their approval or rejection, is really of the nature of a constitutional rule. It is, however, a "new measure" to which Constitutional Presbyterians can never conscientiously give their approval.

In regard to the precise object of these Acts, the mem-

bers of their own body were not agreed. Some believed, and we think, were warranted by the language to believe, that they required the *approval* of what they were pleased to call the reform measures of 1837 and 1838. It is difficult to conceive what else could have been their object. They soon discovered, however, that if an approval of them were rigidly insisted on, there would be a great diminution of their body. In some cases, it *was* required, while other Presbyteries, which passed resolutions strongly disapproving of them, were nevertheless left unmolested, and are now recognized by them as orthodox bodies. The Princeton Repertory, doubtless on account of the divisive and seceding tendency of a demand of approval, were dissatisfied with the language of the Act. "We regret," say they, "the use of the language employed, because it is *ambiguous*." Construing it as requiring approval, they say, "We readily admit that if this interpretation be correct, the act complained of would be *unconstitutional* and *tyrannical*." And yet in this sense, "*unconstitutional* and *tyrannical*" as it made the Act, it *was* understood and enforced by some Synods and many more Presbyteries, though we know not their number. "The majority of the Presbytery of Erie, belonging to the Synod of Pittsburg, were informed by the Synod that there would be no difficulty in their case, if they would now declare their adherence '*on the basis* of 1837 and 1838.' The Presbytery answered: 'We are willing to adhere to the Synod of Pittsburg and the General Assembly by which it is governed, without having ourselves bound by any additional pledge whatever.' Whereupon, Synod 'Resolved, that they do not consider said claimants as having complied with the requirements of Synod.'

"In this case, the majority of the Presbytery were cut off. Why? Because they were unwilling to adhere on the basis of the Confession of Faith and Book of Discipline? No. But because they could not approve the *new test*, and were unwilling to adhere upon the *new basis*."

The Synod of Pittsburg, in their Pastoral Letter of 1838, thus interpret the great ordinance: "By the provision of that act, the Assembly says, if a majority of a Presbytery *approve* and adhere to us, we recognize you as a Presbytery in our connection, &c. If you do *not approve* and *adhere*, we compel you not, but leave you to act as your best judgment dictates. If only a minority *approve* and *adhere*, that minority we do not disown, but if sufficient in number, we recognize you as a Presbytery."

On the 5th of September, 1838, the Presbytery of Vincennes enjoined it upon the Church Session of Evansville, to take prompt measures in reference to their Elder, who had been bold enough to vote, and even protest against the acts of the General Assembly; declaring at the same time, that those only should thereafter constitute said Church, who shall '*approve* of the acts of the Assembly.'

At the same time the above-named Presbytery withheld from the Rev. Mr. Morrison liberty to preach within their bounds, 'because he refused to give us any acknowledgment of his *approval* of those operations of the Assembly for the reform of the Church.'

On the 4th of December, 1838, the following measure was proposed at a meeting of Charleston Union Presbytery:

"*Resolved*, That the roll be now called, and each member without discussion, do declare whether he can approve the reform measures of the General Assembly of 1837; and that those who answer in the affirmative, according to the provision of the last General Assembly, do constitute the Presbytery of Charleston Union, in connection with the Presbyterian Church.' The Moderator refused to put the question: a small minority, in obedience, as they say, 'to an injunction of the supreme judicatory of our Church,' declared themselves the Charleston Union Presbytery, to the exclusion of the majority."*

Additional proof cannot be needed to establish the fact

* Wood's History, pages 180–182.

that the self-styled reformers organized their Assembly in 1838 upon a basis unknown to the Constitution. As a test of adhesion to it, they did not require evidence of a cordial adoption of "the Confession of Faith and Form of Government," but an approval of its great reforming ordinance, or at least of a determination to submit to it:—in other words, that they would sustain the revolutionary Acts of that Assembly and those of the Assembly of the previous year. To make way for this "*new basis*," the Constitution was wholly set aside.

Chapter Eighth.

ERRONEOUS APPLICATION OF THE NAMES, OLD AND NEW SCHOOL.—THOSE WHO STYLE THEMSELVES OLD SCHOOL ARE THE NEW, AND THOSE WHOM THEY DENOMINATE NEW ARE THE OLD SCHOOL BRANCH OF THE PRESBYTERIAN CHURCH.

At an early period of the controversy respecting Ecclesiastical Boards and Voluntary Societies, the friends of the former appropriated to themselves the appellations, "Old School,—the Orthodox,—the true friends of the Presbyterian Church," and gave to the friends of Voluntary Societies, the name, "New School." These appellations are not only erroneous, but manifestly unjust. They are adapted, and we fear on the part of those with whom they originated, were designed to produce the impression that the great body of those, whom they denominate New School men, had embraced doctrines, wholly at variance with those contained in the Confession of Faith, and were opposed to the principles of Presbyterian Church Government and Discipline. The facts of the preceding part of this history show conclusively, that the appellations and epithets just mentioned, are grossly misapplied. Those who claim to be "Old School Presbyterians, dyed in the wool," are in fact *new*, and those whom *they* denominate *new* are in reality the *Old School* branch of the Presbyterian Church in the United States of America, both in doctrine and order. That in saying this, we do "but speak the words of truth and soberness," is evident,

1. From the new test of orthodoxy, required by "the Act and Testimony," sent out by leading men of their party. The character of this instrument has been noticed in preceding pages of this narrative. By calling upon ministers and elders to sign it as a test of orthodoxy, and in case of refusal, subjecting themselves to the charge of heresy, or at least of being the abettors of gross error in doctrine they introduced a new test of soundness in the faith, wholly unknown to the Constitution. In this light the Reviewers of it in the Biblical Repertory viewed it, as we have shown in another part of this history, by quoting the language of their review.

2. They have departed from the principles of American Presbyterianism, as contained in the adopting act of 1729, by requiring an unqualified assent to every shade of sentiment contained in the Confession of Faith. That Act, as we have already shown, tolerates differences of opinion on points of minor importance, not affecting the integrity of the system of doctrine embraced in our standards. The Assembly of 1817 reiterate the noble and tolerant sentiments of that Act. In their pastoral letter to the churches we find the following language: "That differences of opinion, acknowledged on all hands, to be of the minor class, may and ought to be tolerated among those who are agreed in great and leading views of Divine truth, is a principle on which the godly have so long and so generally acted, that it seems unnecessary, at the present day, to seek arguments for its support. Our fathers, in early periods of the history of our Church, had their peculiarities and diversities of opinion; which yet, however, did not prevent them from loving one another, from cordially acting together; and by their united prayers and exertions, transmitting to us a goodly inheritance. Let us emulate their moderation and forbearance, and we may hope to be favored with more than their success."—*Minutes of the Assembly of* 1817, *page* 28.

These sentiments of the adopting Act of 1729, and the Assembly of 1817, are the sentiments of Constitutional Pres-

byterians. How utterly inconsistent with fact, how grossly unjust to denominate *them New School* men! *They* are the *Old School*, and those who insist upon a subscription to the Confession of Faith, according to the most rigid construction of its language, are *New School* Presbyterians.

3. Their acts of excision, by which they cast out of the church thousands of her members in good standing, without trial, was a flagrant violation of the constitution, by which they had solemnly pledged themselves to be governed. It was a *new measure*, to prevent which Constitutional Presbyterians labored with untiring zeal, and against which they have uniformly protested. In respect to Presbyterial order they are *Old School* Presbyterians.

4. The great reform ordinance, as its authors were pleased to denominate it, of 1838, requiring the Synods, Presbyteries, Sessions and Churches, to aid in carrying out the revolutionary measures of the Assembly of the previous year, promising to recognize even minorities of those bodies, who should, and threatening all who should refuse, with expulsion from their branch of the church, was a gross violation of the constitution. Nay, this instrument it actually thrust aside. The constitution makes nothing necessary to good standing in the ministry and church but the adoption of "the Confession of Faith as containing the system of doctrine taught in the holy Scriptures, and of the Form of Government and Discipline." Of this test of orthodoxy and attachment to Presbyterial order, the extraordinary instrument just mentioned, said not a word. It only required adhesion to their body "on the basis of the Assemblies of 1837 and 1838."

These facts fully establish the position that the self-styled *Old School* Presbyterians are in reality the *New;* and those whom they reproachfully denominate the *New*, are the *Old*, firmly planted upon the time-honored platform of original American Presbyterianism.

Chapter Ninth.

POLICY OF THE SELF-STYLED REFORMERS CONCERNING A DIVISION OF THE FUNDS, AND THEIR FEELINGS IN REFERENCE TO AN APPEAL TO THE LAW OF THE LAND, TO DECIDE TO WHOM THEY BELONGED, OR HOW THEY SHOULD BE DIVIDED—UNSUCCESSFUL EFFORTS OF THE CONSTITUTIONAL ASSEMBLY TO PREVENT LITIGATION—LEGAL PROCEEDINGS, AND THEIR RESULTS.

By the organization of the two Assemblies in 1838, each claiming to be the true Assembly, the division of the Presbyterian Church in this country was consummated. But though her ministers and members were divided, no division was made of her funds. *Before* the division, while the self-styled reformers were a minority and determined to effect it, they professed to desire that an equitable and amicable division of the funds should be made. Some, at least, of the new-basis Assembly of 1838, still professed a willingness that those whom they denominated seceders, and who on that account had forfeited all right to any part of the funds, should, nevertheless, have some share of them. Provided this were granted, however, it must be as a gratuity to those who had *no claim* to any portion of the funds of the Church. Their feelings may be best known by an examination of two papers, presented to the Reform Assembly, but which were not acted upon, as we are informed, because the seceders, as they were pleased to call them, had commenced a civil process for securing their rights. The 'Presbyterian' accompanied the publication of them with the remark, "In the main we believe they expressed the mind of the Assembly."

Dr. Phillips offered the following paper, viz. :—

"Whereas the Presbyterian Church in the United States, as now represented in the General Assembly of the same, have for years contended for the doctrines and order of the Gospel, for the truth, purity, peace and spiritual prosperity of the Church, and not for earthly gain; and whereas a portion of what has heretofore been called the Presbyterian Church, have voluntarily gone out from us, and by their secession and separate organization, have forfeited in law all their title to any of the property belonging to the Presbyterian Church; and whereas the General Assembly have no desire to hold or use any funds which may in equity belong to said secession: Therefore,

"*Resolved*, That a Committee be appointed to ascertain what portion, if any, of the funds in the hands of the Trustees of the General Assembly may be equitably claimed by those who adhere to the secession, and report to the next General Assembly, and thus, if possible, secure an amicable adjustment of our pecuniary affairs."*

In reference to the same matter, Mr. Breckinridge offered the following paper, viz. :—

"The General Assembly of the Presbyterian Church in the United States, both during its present sessions and during those of the last year, had distinctly and repeatedly expressed its perfect willingness to settle all the difficulties, and especially those of a pecuniary kind, which have arisen, or could arise, between those Synods which have been declared out of our connection, and all who have seceded and united with them on the one part, and the Church itself on the other."

"This was indeed the earnest desire of the Church; as well because of the questions involved, turned finally on questions purely ecclesiastical, as because money questions were in our view wholly insignificant, compared with others, which lay behind them. And as we construed the law of God, it seem-

* H. Wood's History, page 168.

ed better, even to take wrong and suffer wrong in temporal affairs, than to be prompt to hale even nominal Christians before the judge. But above all, we utterly repudiate all pretensions, from whatever quarter, to control the conscientious decisions of the Church of Christ on matters of Christian doctrine, order or discipline, by civil tribunals."

"We are bound, and we hope prepared, to render to Cæsar all things that are Cæsar's, but we are also bound, and resolved, never to surrender to Cæsar the things which are only God's."

"It is, therefore, with decided reprobation, that this Assembly has learned, not only that suits are threatened against its Board of Trustees, but that other suits have been actually commenced against the officers of this body, and several of its members, the object of which is, not only to prevent the free action of our ecclesiastical courts, but to unchurch the church itself, by the action of civil power."

"Under the present state of these painful affairs, this Assembly deems it a solemn duty to declare, and does hereby declare:

"1. That it expects of its Board of Trustees the same loyalty to the church, and the same fidelity to its divine Lord, that have marked their course in past times, and it hereby pledges to them its support, and that of the churches represented in it, in their lawful acts, in carrying out the decisions of the last and present Assemblies."

"2. That we solemnly, in the name of God, whose we are, and whom we try to serve, and on behalf of his church, of which we are ministers and ruling elders, and as commissioners constituting its highest earthly court, do hereby protest against all attempts to subject the church of Christ, in its purely ecclesiastical action, to the surveillance or revision of the civil power. And as free American citizens, we renounce for ourselves and for our country, all pretence to any such ruinous power as it regards others."

"3. That the churches and minorities of churches in the

bounds or under the care of either of those Synods or Presbyteries, which were declared to be out of the ecclesiastical connection of the Presbyterian Church in the United States of America,—or within its bounds, or under the care of any seceding Presbytery or Synod, which churches or minorities are willing to adhere to the Presbyterian Church in manner and form repeatedly declared by this Assembly, all such churches and minorities are hereby advised, not only to take steps for their early union with our body, but also to protect themselves in the exercise of ecclesiastical rights, to secure their corporate property against the new sect, and the ruinous principles upon which their proceedings go."*

Had these papers been expressive of the views of their authors merely, upon them the responsibility of approving them might have been left to rest, without remark. But we are told by the editor of the "Presbyterian" that they exhibit the views of the Assembly. That they were not adopted by them, we are informed, was because civil process had been commenced by the Constitutional Assembly for the recovery of rights which they believed had been violently taken from them.

The language of these documents is by no means remarkable for Christian courtesy toward the constitutional branch of the church. They are spoken of as seceders, who had "forfeited in law all title to any property belonging to the Presbyterian Church;"—as litigious, appealing to Cæsar for a decision which it is the exclusive prerogative of the church to give, against whom the reformers "had for years contended for the doctrines and order of the Gospel, for the truth, purity, peace, and spiritual prosperity of the church." The sincerity with which these statements were made, we have no disposition to call in question. However sincere may have been their authors, this fact does not prove that they are true, and they doubtless believe with us, that sincerity in error, when the means of knowing the truth are accessi-

* H. Wood's History of the Presbyterian Controversy, p. 169.

ble, does not exonerate from blame. Were the things alleged in these papers against Constitutional Presbyterians true, they ought indeed to be separated from the church. Not, however, by the summary and unconstitutional process of excision without trial and an opportunity of self-defence, but by the application of Gospel discipline.

In these documents there are several things which we are utterly unable to reconcile with the action of the Body. They both profess a commendable and pious disregard "for earthly gain,—that money questions were wholly insignificant, compared with others, which lay behind them."

If the reader can reconcile these statements with the recommendation of Mr. Breckinridge and the Assembly itself in its great reform ordinance, already noticed, to minorities of churches, "to secure their corporate property,—that providential advantages, and important rights, ought not in any case to be lightly thrown away," he can perform a task which wholly transcends our ability.

He may also, if he can, reconcile these statements and professions with the tenacious, iron grasp, with which they have till this time held, and now hold the entire funds of the church. Not a farthing, so far as we have been able to ascertain, have they given to those whom they denominate seceders and schismatics, except in the few instances in which they have been compelled to do it by legal decisions. We cannot but fear these brethren were not fully aware of the strength of their love for "filthy lucre."

The pious horror of these self-styled reformers at the thought of appealing to the civil tribunals of the country to decide which of the two Assemblies was organized according to the constitution, is no less at variance with their application to "the court in bank" to grant a new trial after the decision against them in the court below. For commencing that process before Judge Rogers, the constitutional branch of the church *were*, and to this day *are*, severely censured. Their reasons for this procedure will be

given hereafter, and the reader will have an opportunity to judge for himself whether they are sufficient to justify it.

Mr. Breckinridge's paper is far from respectful in its aspect toward the civil tribunals of our country. Throughout, it breathes the spirit of nullification and rebellion. "We utterly repudiate," he says, "all pretensions from whatever quarter, to control the conscientious decisions of the Church of Christ, on matters of Christian doctrine, or order, by the civil tribunals." Again he says, by what seems to us a most irreverent, not to say profane appeal to Jehovah, "We solemnly, in the name of God, whose we are, and whom we try to serve, and on behalf of His Church, of which we are Ministers and Ruling Elders, and as Commissioners constituting its highest earthly court, do hereby protest against all attempts to subject the Church of Christ, in its purely ecclesiastical action, to the surveillance or revision of the civil power. We are bound, and we hope prepared, to render to Cæsar all things that are Cæsar's, but we are also bound and resolved, never to surrender to Cæsar the things which are only God's."

It cannot be doubted that Mr. Breckinridge well understood that the Constitutional Body had not appealed to the civil law for the purpose of subjecting "the Church of Christ to the surveillance or revision of the civil power," but to decide whether those, whom he and his party denominated schismatics, seceders, and grossly disorderly, were really such, or sound Presbyterians according to "the Confession of Faith and Form of Government;" also whether their acts in casting the four Synods out of the Church without trial, were authorized by the Constitution or in direct contravention of it. If such were his understanding of the appeal of the Constitutional Assembly to the civil tribunals, we see not how he could have doubted its propriety. A court of justice is certainly competent to decide whether a Church, or Branch of a Church, have or have not violated its Constitution.

Notwithstanding the solemn protest of this paper against

submitting the unhappy differences between the two Bodies to the decision of a civil tribunal, and determination not to submit to it, the new basis Assembly appeal from the court that gave judgment against them, to the court in bank for a new trial. How this procedure is to be reconciled with their previous protests against appealing to Cæsar and determination not to submit to his jurisdiction, is for them to show.

The climax of their inconsistencies, however, consists in the utter want of agreement between their professed desire for an equitable and amicable settlement of the difficulties between the two Branches of the Church, and their refusal to accede to any proposals made by the Constitutional Branch, to secure such a settlement. We speak not now of negotiations between the parties previous to the division in 1838, and the overture made by the Constitutionalists during the sessions of the two Assemblies. These have been noticed in previous parts of this history, and the reasons of their failure stated. From what was said and published by the exscinding branch when they learned that it was the purpose of the other to commence civil process against them, a stranger to this controversy would infer that the new basis Assembly were men of a very pacific spirit, and that the other was made up of ecclesiastical warriors,—of men full of the spirit of strife and war, whose very element was controversy and litigation. Mr. Breckinridge, in the paper which we have noticed, says, "The General Assembly of the Presbyterian Church in the United States, both during the present sessions, and during those of the last year, had distinctly and repeatedly expressed its perfect willingness to settle all the difficulties, and especially those of a pecuniary kind, which have arisen or could arise, between those Synods which have been declared out of our connection, and all who have seceded and united with them on the one part, and the Church itself on the other."

Statements of similar import may be found in their Pastoral Letter of 1838 to the churches.

Whether they were really as desirous as their language seemed to indicate to prevent litigation, and those from whom they differed as fierce for it, we will leave our readers to judge, when they shall have read that part of the

"*Report of the Committee of Twelve, to the General Assembly of the Presbyterian Church,*" which we here present.

"In the General Assembly, May 20, 1839, Judge Darling, from the Committee of twelve, made the following report in part:

"The Committee appointed on the 21st May, 1838, 'to advise and direct to any legal questions and pecuniary interests that might require attention during the ensuing year,' and who were authorized to adopt all such measures as they in their judgment might deem proper, to preserve and maintain inviolate the rights and privileges of the General Assembly, and of the churches under its jurisdiction, entered upon the discharge of their duties immediately after the adjournment of the last General Assembly, deeply impressed with the importance of the interests entrusted to them, with their responsibilities to the Presbyterian Church, and with a determination to exert their influence to bring the controversy in the Presbyterian Church to a speedy termination, on just and equitable terms, which would restore peace and harmony to our beloved Zion. They resolved not to resort to the civil courts for redress, until every reasonable hope of an amicable adjustment should be abandoned, and unless it became necessary so to do to protect and preserve the rights and privileges of the church which they represented. The Trustees elected by the General Assembly of 1838, having been denied the right to take their seats at a regular meeting of the Board of Trustees, as then constituted, and our opponents manifesting a determination to persist in their acts of injustice and oppression, the Committee, with the

notice, and under the direction of their counsel, Josiah Randall and William Meredith, Esq.'s, of Philadelphia, and George Wood, Esq., of New York, caused a writ of *quo warranto* to be issued, in the name of the Commonwealth of Pennsylvania, at the relation of the Hon. James Todd, et. al. vs. the Rev. Ashbel Green, D.D., et. al., to show cause by what authority they continued to usurp and hold the office of Trustees, &c. The Committee adopted this mode of proceeding at the suggestion of their legal advisers, believing that, in this form of action, they would be enabled to obtain a more speedy trial and decision on the merits of the controversy between the Reformed and Constitutional General Assemblies, and on the various points of law involved in the same, and with less expense and excitement, than in any other form of action which could be devised. Whilst this cause was pending, and previous to the trial before Judge Rogers, at Nisi Prius, the Committee were informed by one of their counsel, that John K. Kane, Esq., one of the Trustees of the General Assembly, and who was of counsel for the respondents, had stated to him that those he represented were disposed to adjust, amicably and equitably, all matters in controversy in this cause, and had requested him to ascertain what terms the Committee would propose, as a basis for an amicable division of the Presbyterian Church, and the final adjustment of all the matters in dispute between the Reformed and Constitutional General Assemblies. Upon inquiry, the Committee ascertained that neither Mr. Kane, nor any other person, was authorized to enter into a negotiation with the Committee on the subject of a compromise; that Mr. Kane was probably acting on his own responsibility, influenced by a most laudable desire to promote union and peace among the professed friends of the Redeemer. The Committee duly appreciated the motives which prompted the efforts of Mr. Kane, and keeping in view the resolution of the General Assembly of 1838, viz.: 'That this body is willing to agree to any reasonable measures tending to an amicable

adjustment of the difficulties in the Presbyterian Church, and will receive, and respectfully consider, any propositions made for that purpose,'—they waived all exceptions which might have been taken to enter into any negtoiation with, or to making any propositions to, one irresponsible individual, and promptly requested their counsel to furnish Mr. Kane with a copy of the following articles of agreement:

"ARTICLES OF AGREEMENT PROPOSED.

"In order to secure an amicable and equitable adjustment of the difficulties existing in the Presbyterian Church in the United States of America; it is hereby agreed by the respective parties, that the following shall be articles on which a division shall be made and continued.

"*Article* I. The successors of the body which held its sessions in Ranstead Court, shall hereafter be known by the name and style of 'The General Assembly of the Presbyterian Church in the United States of America.' The successors of the body which held its sessions in the First Presbyterian Church, shall hereafter be known by the name and style of 'The General Assembly of the American Presbyterian Church.'

"*Article* II. Joint application shall be made by the parties to this agreement, to the Legislature of Pennsylvania, for a charter to incorporate Trustees of each of the respective bodies, securing to each the immunities and privileges now secured by the existing charter to the Trustees of the General Assembly of the Presbyterian Church in the United States of America; subject, nevertheless, to the limitations and articles herein agreed on; and when so obtained, the existing charter shall be surrendered to the State.

"*Article* III. Churches, ministers, and members of churches as well as Presbyteries, shall be at full liberty to decide to which of the said Assemblies they will be attached; and in case the majority of legal voters of any congregation shall prefer to be connnected with any Presbytery connected with

the Assembly to which their Presbytery is not attached, they shall certify the same to the Stated Clerk of the Presbytery, which they wish to leave, and their connection with said Presbytery shall thenceforth cease.

"*Article* IV. The Theological Seminary of Princeton, the Western Theological Seminary, the Board of Foreign Missions, the Board of Domestic Missions, the Board of Education, with the funds appertaining to each, shall be the property and subject to the exclusive control of the body which, according to this agreement, shall be chartered under the title of 'The General Assembly of the Presbyterian Church in the United States of America.'

"This agreement shall not be considered a secession on the part of either body, from the Presbyterian Church in the United States of America, but a voluntary and amicable division of this Church into two denominations, each retaining all the ecclesiastical and pecuniary rights of the whole body, with the limitations and qualifications in the above articles specified.

"The only reply which the Committee received to these propositions was, that they could not be accepted, but that the Old School party would agree that the members of the Constitutional General Assembly, and all who adhered to this General Assembly, should be at liberty to leave the Presbyterian Church without molestation from them, and that they should not be called Seceders. This reply, in the opinion of the Committee, cut off all hope of an amicable and just settlement, and closed the door of reconciliation. They, therefore, formally resolved that it was inexpedient to make any further attempt to effect a compromise, and that the necessary preparations be made for the trial of the cause now pending."—*Minutes of the General Assembly of* 1839, *pages* 38, 39.

If our brethren were really as desirous for an equitable and pacific settlement, and to prevent litigation, as they professed to be, why was not this overture entertained by them? Or if dissatisfied with its stipulations, why did they not appoint a

Committee to negotiate with the Committee which presented it, and see whether terms could not be agreed upon, which would be satisfactory to both Bodies? It is not for us, but for them to reply to these inquiries. From the facts presented, our readers have a right to form their own opinion which of the two Bodies were more desirous of peace and averse to litigation.

As all the efforts of the Constitutional Branch of the Church to prevent the latter and secure the former had proved unavailing, nothing remained for them, but to sacrifice important rights, or appeal to the civil tribunals of their country to decide whether their Assembly *had*, or *had not* been organized in conformity with the Constitution; or whether the persons elected by the New-Basis Assembly as Trustees of the General Assembly of the Presbyterian Church in the United States of America, were such in reality, or those elected to that office by the Constitutional Assembly.

"The Committee of Twelve" in their report, a part of which we have already quoted, say, "The Trustees elected by the General Assembly of 1838, having been denied the right to take their seats at a regular meeting of the Board of Trustees, as then constituted, and our opponents manifesting a determination to persist in their acts of injustice and oppression, the Committee, with the notice, and under the direction of their counsel, Josiah Randall and William Meredith, Esqs. of Philadelphia, and George Wood, Esq. caused a writ of *quo warranto* to be issued, in the name of the Commonwealth of Pennsylvania, at the relation of the Hon. James Todd, et al., *vs.* the Rev. Ashbel Green, D.D., et al., to show cause by what authority they continued to usurp and hold the office of Trustees, &c. The Committee adopted this mode of proceeding at the suggestion of their legal advisers, believing that, in this form of action, they would be enabled to obtain a more speedy trial and decision on the merits of the controversy between the Reformed and Constitutional Assemblies, and on the various points of law involved in the

same, and with less expense and excitement than in any other form of action which could be devised."

The trial of this cause "before Hon. Molton C. Rogers and a special jury," commenced March 4th, 1839.

The cause was ably argued by the learned counsel on both sides, and was closed March 26th by the delivery of the charge of Judge Rogers and the verdict of the Jury in favor of the Constitutional Assembly. As the charge of Judge Rogers is a document of great importance, well worthy of being transmitted to posterity and preserved and studied by them, we give it entire.—*See Appendix A.*

This result was exceedingly ungrateful to the Reformers. Both the charge of the Judge and the verdict of the Jury, were a decided condemnation of the excision of the four Synods and the dissolution of the Third Presbytery of Philadelphia, and of the manner of organizing their Assembly in 1838, and a complete vindication of the organization of the Constitutional Assembly. This result of the trial seemed at once to remove all their conscientious scruples in regard to an appeal to Cæsar to decide controversies between professing Christians. By their counsel, they applied to "the Court in Bank,"—a tribunal consisting of "all the Judges, sitting in a body to determine questions of law," for a new trial. The case came on for adjudication at the March term, 1839, and the Court, through Judge Gibson, gave a decision in favor of a new trial.*

That our readers may be furnished with the means of forming an accurate judgment in respect to the grounds

* The opinion was really by three of the Judges of the court, viz., Messrs. Gibson, Houston and Kennedy.

Judge Sergeant being a member of the Rev. Mr. Barnes' congregation, did not feel at liberty to take part in the case, and Judge Rogers dissented.

Judges Houston and Kennedy were both attached to the exscinding portion of the Church, and the former was a strong partisan of that body. They felt none of the delicacy of Judge Sergeant.

on which the Court granted a new trial, we give the opinion of Chief Justice Gibson entire.—*See Appendix B.*

After the decision of the Court in Bank, the Constitutional party concluded to withdraw the suit.

The issues of these trials in the Supreme Court of Pennsylvania are these: In the trial before Judge Rogers, he charged the jury strongly in favor of the Constitutional Assembly, and the jury, after an hour's deliberation, rendered a verdict in their favor. The Assembly, on the New Basis, appealed to the Court in Bank for a new trial, and the Court granted it.

Some things in the charge of Judge Rogers, and the opinion of Chief Justice Gibson, demand a moment's attention. Judge Rogers's charge contains a lucid statement of the principles of the Constitution of the Presbyterian Church, and a concise, but accurate history of the unhappy controversy, which resulted in its division.

Both Judges are agreed in the opinion, that "the Plan of Union of 1801 was strictly constitutional." If this opinion be correct, the strongest alleged reason for the excision of the Synods, is no reason at all. Of course, if the act be justified, it must be on other grounds. The candid and intelligent reader of the foregoing pages, we trust, is fully convinced that there are *no grounds* on which the acts of excision *can* be *justified*—that they deserve universal and everlasting reprobation. Of course the refusal of the New Basis Assembly to enter the names of the Commissioners from the disowned Synods on the roll of the Assembly was arbitrary and unrighteous, and a gross violation of the Constitution, quite sufficient to justify the measures, adopted by the Constitutional Branch of the Church, to secure a regularly organized Assembly.

Judge Rogers was decidedly of the opinion, that Dr. Elliott, the Moderator, by refusing to put the appeal of Dr. Mason, was guilty of "a dereliction of duty—a usurpation of authority, which called for the censure of the house."

Again he says: "It is the opinion of the Court, that the General Assembly has a right to depose the Moderator, upon sufficient cause. This power is necessary for the protection of the house; otherwise the Moderator, instead of being the *servant*, would be the *master* of the house."

He was also of the opinion that Mr. Cleaveland had a right to put the question, that Dr. Beman should be the Moderator. "There is no doubt the house may elect a Moderator, although the seats of some of the members are contested." He says, moreover, "That the fact that Mr. Cleaveland put the question instead of the Moderator, the cries of order when this was in progress, the omission of some of the formula usually observed, when there is no contest and no excitement, . . . will not vitiate the organization. . . ."

Judge Gibson was of a different opinion. He says: "The refusal of an appeal from the decision of the Moderator, would be no ground for the degradation of the officer, at the call of a minority; nor could it impose on the majority an obligation to vote on a question put unofficially and out of the usual course. The choice of a Moderator to supplant the officer in the chair, even if he were removable at the pleasure of the commissioners, would seem to have been unconstitutional. But he was not removable by them, because he had not derived his office from them, nor was he answerable to them for the use of his power. He was not *their* Moderator. He was the mechanical instrument of their organization; and till that was accomplished, *they* were subject to *his* rule—not *he* to *theirs*."

If this opinion be correct, the Moderator of the previous Assembly, or to use the language of the Judge, "the mechanical instrument of their organization" might persist in his refusal to put a question during his lifetime, and utterly prevent the transaction of all business; nay, the organization of the body. According to this opinion of Judge Gibson, the Twenty-Sixth Congress was not constitutionally organized, because Mr. Adams put the question on a motion for

the removal of the Clerk of the House of Representatives and the appointment of another in his place.

The Judge also assumes it as an incontrovertible fact that the Presbyteries embraced in the exscinded Synods, were formed upon the basis of the Plan of Union. On previous pages of this history, it has been shown that the Plan of Union had nothing to do with their formation—that they were organized in strict conformity with the Constitution of the Presbyterian Church. Consequently the Judge's assumption is wholly at variance with the facts.

Another assumption of the Judge, equally unfounded with the one just noticed, is, that the Assembly unites "the legislative, executive and judicial functions of the government;" that "its acts are referable to the one or the other of them, according to the capacity in which it sat when they were performed." The reader has but to turn to chapter XII., section VI. of the Form of Government, to satisfy himself that the Assembly has no legislative power whatever—that it pertains exclusively to the Presbyteries.

In connection with the last mentioned unauthorized assumption, the Judge makes two admissions, which are too important to be passed over unnoticed. One is that the Synods, notwithstanding all that had been alleged by the exscinders concerning their heresies and disorders, had done nothing deserving of censure: the other is that the excision, as a legislative act, had the *appearance* of injustice, and we think his language implies that he believed it had something of the reality. He says: "Now the apparent injustice of the measure arises from the contemplation of it as a judicial sentence pronounced against parties who were neither cited nor heard, which it evidently was not. Even as a legislative act, it may have been a hard one, though certainly constitutional and strictly just." "Had the exscinded Synods been cut off by a judicial sentence without hearing or notice, the act would have been contrary to the cardinal principles of natural justice, and consequently void."

We would like to be informed by the learned Judge how decapitation or hanging, which would be "contrary to the cardinal principles of natural justice," as a judicial act, could be *just* as a legislative act. We confess we have not discernment enough to see how there could be more *injustice* in the one case than the other.

In a subsequent suit in Pennsylvania, brought up by appeal before the Supreme Court, Judge Gibson explained some of the principles on which he had given his opinion in the Court in Bank in favor of the Reformers. The property of the Presbyterian Church in York was of considerable value. A small minority in it were decidedly in favor of the New Basis Assembly. In conformity with the recommendation of its great reforming ordinance, they claimed to be the true Presbyterian Church in York, and brought suit against the constitutional portion of the Church for the property. The case was tried before Judge Hays, and decided in favor of the Constitutional party.

The Reformers regarded Judge Gibson's opinion in the Court in Bank as deciding that they were the only orthodox Presbyterians, and the Assembly of the exscinders the only true Assembly, and they doubtless felt if they could bring the suit before him, he would reverse the decision of the lower Court. In this they were disappointed. He affirmed the decision of the lower Court, and decided that the property belonged to the Constitutional portion of the Church.

In delivering the opinion of the Court, to the astonishment and deep regret of the minority, he explained some of the grounds of his opinion in the Court in Bank. He says, "There was not merely a secession of particles, leaving the original mass entire, but the original mass was split into two fragments of nearly equal magnitude; and though it was held by this Court, in the *Commonwealth* v. *Green*, 5 Wheat. Rep. 531, that the party which happened to be in office by means of its numerical superiority at the time of the division, was that which was entitled to represent it and perform the

functions of the original body, it was not because the minority were thought to be anything else than Presbyterian, but because a popular body is known only by its government or head. That they differed from the majority in doctrine or discipline was not pretended, though it was alleged that they did not maintain the scriptural warrant of ruling elders. But the difference in this respect had been tolerated if not sanctioned by the Assembly itself, which, with full knowledge of it, had allowed the heterodox Synods to grow up as a part of the Church; and it could not therefore have been viewed as radical or essential. We were called, however, to pass, not on a question of heresy, for we would have been incompetent to decide it, but on the regularity of the meeting at which the trustees were chosen. I mention this to show that we did not determine that the exscision was expurgation, and not division. Indeed, the measure would seem to have been as decisively revolutionary as would be an exclusion of particular States from the Federal Union for the adoption of an anti-republican form of government. The excluded Synods, gathering to themselves the disaffected in other quarters of the Church, formed themselves into a distinct body, governed by a supreme judicatory so like its fellow as to pass for its twin brother, and even lay claim to the succession. That the Old School party succeeded to the privileges and property of the Assembly was not because it was more Presbyterian than the other, but because it was stronger; for had it been the weaker, it would have been the party excluded, and the New School party, exercising the government as it then had done, would have succeeded in its stead, and thus the doctrine pressed upon us would have made title to Church property the sport of accident. In that event an attempt to deprive the Old School congregations of their churches, for an act of the majority, in withdrawing from the jurisdiction of the Assembly, would have loaded the New School party with such a weight of popular odium as would have sunk it. Here then was the original mass divided into two parts of

nearly equal magnitude and similar structure; and what was a congregation in the predicament before us to do? It was not bound to follow the party which was successful in the conflict merely because superiority of numbers had given it the victory."—See *Watts and Sergeant's Reports, Vol. I., pages* 38, 39.

Here the Judge gives the *real* ground of his opinion in the Court in Bank. He gave it in favor of the reformers not because they were more orthodox in doctrine or in practice, more strictly conformed to the Constitution of the Presbyterian Church, but because they were the majority. Consequently had the constitutional branch of the Church in 1831, 1832, 1833, 1834, and 1836, when they were the majoirty, cast out the Synods of Philadelphia and Pittsburg after the manner of their exscinding brethren, seized and appropriated the entire funds of the Church, exhorted minorities in all the churches to declare themselves the orthodox, the only true Presbyterians, and claimed all the property, and thus perpetuated their power, the law would have protected them. But would it have been *morally* right? Our brethren of the new basis, we are persuaded, will not affirm that it would. We doubt not they will reject the logic and morality of the Judge's opinion no less decidedly than we do.

The judge himself admits that had our branch of the Church adopted this course it would have been suicidal. He says it "would have loaded the New School party with such a weight of popular odium as would have sunk it."

To this opinion of the Judge we give our unqualified assent. It bears hard, however, upon our brethren of the New Basis. If just, how are they to bear up under "a weight of popular odium," which would have crushed our branch of the Church? We leave them and posterity in the coming time, when misapprehension and prejudice shall have passed away, to answer this inquiry.

Other parts of the Judge's opinion are equally adverse to our brethren. They had maintained that the excision was a

necessary expurgation, and that those who united with the exscinded were seceders, and they believed that the Judge in delivering the opinion of the Court in Bank had so decided. These positions, his opinion in the case of the Church in York, explicitly denies. He says the Court "did not determine that the excision was expurgation, and not division." He even goes further. He says, "the measure would seem to have been as decisively revolutionary as would be an exclusion of particular States from the Federal Union for the adoption of an anti-republican form of government." He affirms that the action of the Assembly of which we complain, "was no less than a dismemberment of the Presbyterian Body, not indeed by disorganization of it, or an entire reduction of it to its primitive elements, but by an excision. There was not merely a secession of particles, leaving the original mass entire, but the original mass was split into two fragments." And the Judge considers each equally Presbyterian,—"each so like its fellow as to pass for its twin-brother." With one exception the Judge decides that in the former suit the claims of the Constitutional Branch of the Church were as strong as those of the New Basis. At the time of the excision the latter were the stronger party.

There have been a few other suits which merit a brief notice.

In the Church of Neshammony, Pennsylvania, the New Basis Party, a minority, claimed to be the only true Presbyterians, and sought to obtain the property, but they were unsuccessful.

A minority in the Presbyterian Church, in Florida, Orange Co., N. Y., did the same, and with the same result.

"Another suit of the same character was brought by the Reform Party, in the Church of Somers, in the State of New York. They informed the Constitutional Party that they were the only true Presbyterians, and that they must have the Church property, house, parsonage, &c. The Constitutional Party, who were the majority, proposed that the two

parties should use the Church alternately, and that the question concerning property should be settled by compromise. But the Reform party would not compromise. The Clerk of the congregation being on their side, they took possession of records, church, parsonage, and all. Being secure, as they thought, they leased the parsonage to a tenant, and lay quietly 'within the fortifications of the New Basis.'

"The old trustees had no other alternative left but to decide the matter by a law-suit. They commenced an action of *ejectment* for the parsonage. After a patient hearing, the jury gave a verdict for the Constitutional Party without leaving their seats."*

The results of these legal investigations and decisions are briefly these: With the exception of the Court in Bank, in Pennsylvania, all of them are decidedly favorable to the Constitutional Branch of the Church. That, by ordering a new trial, which they have not chosen to bring to an issue, was adverse to them. Considered, however, in connection with statements made respecting the ground of that decision, it is very little in favor of the New Basis Body. As we have seen, Judge Gibson did not decide to grant a new trial, because he considered those who denominated themselves the orthodox, true "Old School Presbyterians," any more worthy of these epithets and appellations, than those whom they denominated "heterodox, schismatics, seceders, the new sect, and New School Presbyterians," but simply because they were a majority. The judgment of the Court in Bank, ordering a new trial, was evidently given upon the unrighteous principle that "*might* makes *right*."

The legal decisions in this unhappy controversy establish two points of great importance. One is, that in the judgment of the Courts both bodies are sound orthodox Presbyterians: the other, that in cases of litigation for church property, it should be given to the majority.

See opinions of the Hon. Samuel M. Hopkins, Hon. George Wood, and Chancellor Kent, Appendix C.

* Woods' History, pages 203, 204.

Chapter Tenth.

MEASURES TAKEN BY THE CONSTITUTIONAL BRANCH OF THE CHURCH TO UNITE THE TWO IN ONE BODY.

That the constitutional branch of the church were strongly adverse to division, and desirous after it had been effected to have the difficulties arising out of it settled without litigation, has been clearly shown by facts placed before our readers on previous pages of this history. Facts now to be presented will make it equally evident that they have *since* been governed by the same pacific spirit.

In 1846 the two Assemblies met in the city of Philadelphia. On page 11th of the minutes of the Constitutional Assembly, we find the following minute, viz.:

"Rev. A. W. Campbell moved, that the committee on devotional exercises be authorized to confer with a similar committee of the General Assembly, meeting in the Tenth Presbyterian Church of this city, in reference to a united celebration of the Lord's Supper."

"The motion was carried unanimously."

The report of this committee, and the action of the Assembly in reference to it, are recorded on pages 21st and 22d of the Minutes, and are as follow, viz.:

"The committee on devotional exercises presented a report as to the result of a conference with a similar committee of the other Assembly, in reference to a *united celebration of the Lord's Supper*, which was adopted, and is as follows:

"The committee on devotional exercises, to whom was referred the resolution authorizing them to confer with a similar committee of the Assembly, meeting in the Tenth Presbyterian Church, in reference to a united celebration of the Lord's Supper, report,

"That they presented to the committee of the Annual Assembly a certified copy of the resolution passed by this Body, accompanied by the following letter, addressed to the chairman of said committee:

"'DEAR BROTHER—It devolves upon us, as chairman and secretary of the committee on devotional exercises of the Triennial* General Assembly of the Presbyterian Church, convened in the First Presbyterian Church in this city, to present for your consideration the above resolution.

"'Should the foregoing proposal meet the approval of yourself and of your Assembly, it would afford us great pleasure as a committee to confer with you at such time and place as you may designate.

"'Wishing you, and the Assembly with whom you are associated, grace, mercy, and peace from our Lord Jesus Christ, we are yours, affectionately,

"'ALFRED E. CAMPBELL, *Chairman.*

"'CHARLES H. READ, *Secretary.*'

"To our proposal we have received the following answer, through the Rev. Daniel Baker, one of the committee on devotional exercises:

"*Extract from the Minutes of the General Assembly, in session at Philadelphia, May 28th,* 1846:

"'The committee on devotional exercises, having reported to the General Assembly a communication from a similar committee of the General Assembly in session in the First Presbyterian Church, representing that the said Assembly

* At that time the Constitutional Assembly met every third year; but like the other, they now meet annually.

has authorized its committee to confer with the committee of this Assembly in relation to a joint celebration of the Lord's Supper by the two bodies; it was ordered, that the committee respectfully acknowledge and reciprocate the courtesy of the communication, and say in reply, that while this Assembly recognize the above-mentioned body as a branch of the church of our common Lord, and for this reason would, as individuals, under appropriate circumstances, unite with our brethren in the celebration of divine ordinances, yet, as this Assembly has never, in its corporate and official capacity, united with any other ecclesiastical body in celebrating the Lord's Supper, it judges it inexpedient to institute a new usage at this time.

"'On motion, the committee on devotional exercises were directed to communicate a copy of the above minute to the committee of the other Assembly.

"'Attest, WILLIS LORD,

"'*Stated Clerk of the General Assembly.*'"

"We can only regret that the proposal, made in the most fraternal manner, and passed by a unanimous vote, did not meet with a cordial response in the other Assembly. We have long seen, that while the two Assemblies were holding correspondence with many of the same ecclesiastical bodies, and in their respective Synods and Presbyteries maintaining the usual courtesies of correspondence, and freely exchanging pulpits with each other, nothing had been done, in our official capacity, to show to the world that we recognized each other as brethren. And as the world had seen the jarring and contention that existed in former years between the two Assemblies, it seemed to be demanded from both, to manifest, by some public act, like that of the united celebration of the Lord's Supper, that, though we were separated, we were *one* in Christ, and would love and treat each other as brethren. And though we are the injured party, our motives and our ministerial charac-

ter having been impeached, and some of us belonging to Presbyteries and churches who were exscinded by the acts of 1837, still it was our earnest wish to extend to them the hand of Christian charity, to forgive and forget, as we pray to be forgiven of our God."

"It is, therefore, to us, a source of deep regret, that our brethren of the other Assembly did not manifest a disposition to unite with us, and by their influence and example aid us in doing away the reproach and the odium which have been heaped upon the Presbyterian Church. But though we may not as an Assembly, under existing circumstances, unite with our brethren of the other Assembly in a joint celebration of the Lord's Supper, still it is our sincere prayer, that we may meet with them in the General Assembly and Church of the First-Born in Heaven, and sit down with them at the marriage supper of the Lamb."

The reason assigned by our brethren of the New Basis for refusing to accede to the proposition of the Constitutional Assembly to unite with them in commemorating the death of their common Lord and Redeemer, was the fact that in their "corporate and official capacity," they had never done it, and then deemed it inexpedient. With some, doubtless, this was the chief reason. It was our lot, however, to listen to a protracted debate in their Assembly upon the propriety of the proposed joint celebration of the Lord's Supper, and we know that other reasons were assigned for refusing to accede to the proposition, made by our Assembly, and we distinctly recollect that one was that it would be virtually undoing all that they had done by the exscinding acts and the measures subsequently adopted to purify the Church. Their speeches furnished unmistakable evidence that they were *not prepared* to meet their brethren whom they had violently cast out of the Church, and slandered as grossly heretical, at the table of their redeeming Saviour and God.

Other members of their Assembly advocated the measure with a spirit of Christian liberality and zeal, which did

them immortal honor, till they saw that the strong opposition of some of their brethren to the measure rendered the adoption of it inexpedient, if not impossible.

In 1850 the Presbytery of Rochester sent an overture to both Assemblies, requesting them "to adopt measures to effect a union between the two branches of the Presbyterian Church."

Each Assembly appointed a committee to consider this overture and report thereon to the Body. The Chairman of the Constitutional Assembly was the late lamented Dr. Erskine Mason. In his report, after having stated what the Assembly had previously done to effect a union of the two Bodies, but without success, he thus concluded his report:

"These propositions and overtures were all made in good faith, and with an earnest desire and hope that they might be met in the spirit which prompted them."

"The result is a matter of history, and is now before the world. We do not pretend to question the motives of our brethren in rejecting them; we yield to them what we claim for ourselves, honesty of purpose and sincere convictions of duty. We stated only the facts, and do so to show that we cannot, as a Body, at the present time, take any farther action in this matter."

"While we are constrained to come to this conclusion, we should be untrue to ourselves before God and the world, did we not frankly avow our readiness to meet, in a spirit of fraternal kindness and Christian love, any overtures which may be made to us by the other Body."—*Minutes of the Assembly of* 1850, *pages* 322 *and* 323.

The Committee of the New Basis Assembly on the overture from the Presbytery of Rochester, "recommended the adoption of the following minute in relation to it."

"This Assembly having in former years (see Minutes of 1838, pages 35 and 36, and Minutes of 1842, page 32), fully declared that it was not its intention 'to cause any sound Presbyterian to be permanently separated from our connec-

tion,' and having provided a mode of return to our Body (see Minutes of 1838, page 36), on principles which have seemd adapted to preserve the purity and peace of our churches, consider it inexpedient to take any further action on the subject at this time. Yet the Assembly would reiterate its desire to see all sound Presbyterians re-united in one communion, according to the doctrine and polity of our standards, and would affectionately invite all such to seek this union in the ways that are now open to them."

We envy not the hand which penned, nor the heart which dictated this report. Still less do we covet the reputation of the Assembly which adopted it, half a century hence. Its chief characteristic is the slanderous insinuation that most of the ministers and churches in connection with the Constitutional Assembly, are "*not sound Presbyterians*," and it reminds those that are, that they can be received into their Body, not on the ground of their having complied with the requirements of the Constitution, but only by adopting the New Basis of 1837 and 1838. This report, be it remembered, was adopted by the Assembly thirteen years after they thrust out of the Church with ruthless violence the four Synods;—a period, it would seem, quite sufficient for passion to give place to reason, and prejudice to candor, and the exercise of Christian love.

As little is the writer of an editorial article upon this minute, which was published in the *Presbyterian* of July 20th of that year, to be envied as its author and the Body which adopted it. We quote its closing paragraph.

"The process of re-union is now going on; those churches and ministers that are not pleased with their present position are gradually transferring their relations. Since the debate on the subject in the New School Assembly, it seems to be agreed on all hands that no union *en masse* can be effected. But a more excellent way is for all those who think alike to get together. When all think alike we shall all be together."

This language and that of the report of the Committee on the overture from the Presbytery of Rochester make it undeniably evident that the only union which the Reformers contemplate, is, by withdrawing ministers and churches from our body and attaching them to theirs. *Absorption, not union,* is their policy.

One ignorant of the actual state of things in their branch of the Church would infer from their language that they are "perfectly joined together in the same mind and in the same judgment." Such, however, we are certain, is not the fact. Not a few in connection with their Assembly approve of the "statement of true doctrine" presented by the minority of the Assembly of 1837, and adopted by the Auburn Convention, and likewise of the tolerant principles of the adopting act of 1729. But as they sit down quietly under acts which they do not approve, and make no efforts to procure the removal of the new basis created in 1837 and 1838, they are freely tolerated. So long as they contribute to their boards and do *not oppose* the carrying out of their ecclesiastical polity, they will doubtless be left undisturbed. Should they refuse to do this and become formidable in numbers, unless wiser counsels and a better spirit prevail than did in 1837, as were the four Synods in that year, *they* will doubtless be legislated out of the Church.

In view of the facts placed before our readers in reference to a *union* of the two branches of the Church, they can be at no loss which is most desirous of it on Christian principles. They must also, we think, be forcibly reminded of the striking resemblance of the exscinders of the nineteenth century to Diatrophes of the first, of whom the beloved disciple thus wrote: "Who loveth to have the pre-eminence, prating against us with malicious words; and not content therewith, neither doth he himself receive the brethren, and forbiddeth them that would, and casteth them out of the Church."

Chapter Eleventh.

OUR POSITION, DUTY, AND PROSPECTS.

The preceding chapters contain what the Committee believe to be a faithful documentary history of the division of the Presbyterian Church, and the causes which produced it. By their appointment the Synod probably contemplated nothing more. To the Committee the history appears highly suggestive, presenting matters worthy of grave consideration, especially by our branch of the Church, and it has seemed to them they might, with propriety, and with the prospect of doing good, close their labors by calling attention to them.

One thing which will be likely to suggest itself to every attentive reader of the preceding pages, is, that our position, whether desirable or otherwise, is not of our own election. As long as there was any hope of preventing the division of the Church, the men who now compose our branch of it labored to avert the catastrophe, and since it was effected, they have sought to unite the two bodies in one. By our brethren of the other branch these efforts to effect their union have been counteracted. To this day they manifest an iron determination to have no union but upon the basis which they created in 1837 and 1838. To this we cannot consent without the sacrifice of principle and a criminal dereliction of duty. Culpable as we believe our brethren from whom we are now ecclesiastically separated, to have been, in placing us in our present position, we are nevertheless under obligation to recognize a higher agency in the measures which

placed us in it. A sparrow falls not to the ground without the agency, direct or permissive, of our Heavenly Father. Surely, then, events intimately connected with the weal or woe of any branch of His Church, cannot. All things considered, it seemed good to Him to suffer the events to come to pass which have placed us in the position we occupy. By it He has purposes to answer, which are worthy of His infinite wisdom and benevolence. He has a mission for us to perform, and it is our duty to avail ourselves of the means which He has furnished for ascertaining *what* it is, and *how* we may best perform it.

In respect to doctrine, our position is between the latitudinarianism, which tolerates error, subversive of the Gospel on one hand, and uniformity, which precludes all diversity of views on points not essential, on the other. With the great body of the fathers of Presbyterianism in this country, we maintain that no one can honestly subscribe or give his assent to the Confession of Faith and Catechism, framed and adopted by the Westminster Assembly, who does not cordially receive them as containing the *system* of doctrine taught in the Holy Scriptures. As distinguished from systems embraced by several other branches of the Protestant Church, it is Calvinistic, and we believe Scriptural. With the early Presbyterians of our country, however, we believe, amidst the great diversity which exists among the followers of the Saviour in respect to mental constitution, education and habits of thought, that with the present degree of their sanctification, perfect uniformity in reference to a system so comprehensive and minute in its details, is not to be expected, and ought not to be required. Hence it seems to us that diversity of views on points not affecting the *integrity* of the *system*, should be made the subject of Christian toleration. It must be so, or what is worse, there will be visible unity without union—insincerity, or almost endless strife and divisions. The coercive measures which from time to time have been adopted to

secure perfect uniformity of doctrinal belief, church polity, and modes of worship, have not only failed, but done incalculable injury to the cause of religion. Our position in respect to doctrine, is that of agreement in things *fundamental*, and toleration and forbearance in things *not essential*, "endeavoring to keep the unity of the Spirit in the bonds of peace."

Our position in respect to discipline and measures for the removal of error, is what the name by which we choose to be known, *Constitutional Presbyterians*, indicates. Unless a Church have become so corrupt that the discipline of the Gospel cannot be carried out, and revolution is the only thing which gives promise of relief, the recovery of erring members and the expurgation of error are to be sought *only* by the process prescribed in our Book of Discipline and the word of God. This is one of the things for which we contended at the time the exscinding acts were passed, and for which we had contended for several years previous. Had our brethren adopted this course with the four disowned Synods, had they patiently investigated the rumors respecting the heresies and disorders alleged to exist in them, and in case they should, in any portions of them, be found actually to exist, employed for their removal the means prescribed in the Gospel, the Presbyterian Church in this country would have remained a united and powerful Branch of the great Protestant family of believers. So far as discipline is concerned, our position is that of *Constitutional* law and order. It is opposed to all arbitrary, rash, and revolutionary measures for securing the ends of discipline and promoting the purity of the Church. We utterly repudiate and reprobate in the Protestant, as in the Romish Church, the Jesuitical maxim in morals, "The *end sanctifies* the *means*." We maintain that we are under the most sacred obligation to observe the rules which God has given for the maintenance of discipline and the removal of error.

Our position in reference to other branches of the Church,

is that of preference for our own, without the narrowness of bigotry and sectarian exclusiveness. The type of Presbyterianism, which characterizes our body, is that of the *founders* of Presbyterianism in this country. Our preference and love for its formulas, polity and order are strong, while we desire to maintain friendly relations with all evangelical Christians of every name, and co-operate with them in labors for the spread of our common Christianity.

As regards the most eligible organizations for evangelizing our nation and the world, our preferences are generally in favor of that type of evangelism which seeks the attainment of its object by Voluntary Societies, composed of members of various denominations of Christians.

Our position is decidedly in favor of the great principles of civil and religious liberty. We maintain that men of all nations, countries, complexions and circumstances, unless, by wrong-doing, they have forfeited their prerogatives as men, have a perfect right to think for themselves, to express their opinions freely, except when they are adverse to the interests of society, to enjoy the fruits of their own labor and the blessings of domestic life; to cultivate their minds, read the word of God, and worship Him according to the dictates of their own consciencies, enlightened by His Word and Spirit.

Our position, however, in respect to the involuntary bondage of men, is conservative. Firmly fixed as are our principles against the system of slavery as it exists in our country; deep as is our abhorrence of the legal conversion of men into mere chattels, and the fearful liability connected with it, of sundering the bonds which unite husbands and wives, parents and children, brothers and sisters, we are no less opposed to the indiscriminate denunciation of all who are connected with this iniquitous system. We believe there is a more excellent way, a way more benevolent, both toward the master and the slave, to labor for its extermination. For the removal of this foul blot upon our national escutcheon and common humanity, we advocate no violent measures, but a calm,

kind, and uncompromising testimony against it, and efforts to secure an everlasting divorce of our Branch of the Church from all connection with the institution. In several of our Assemblies, this subject has been calmly and fully discussed. They have re-affirmed what the Synod of New York and Philadelphia did respecting it in 1787, and the testimony of the Assembly of 1818. The action of both these bodies against slavery is temperate, but strongly condemnatory, as anti-Christian, and opposed alike to the principles of justice and humanity. Equally opposed are we to all infringements of the sacred rights of religious liberty. Such, in the various particulars specified, is our position before the nation and the world.

Here the inquiry naturally presents itself, *what*, in the interesting position which we occupy, is our

DUTY?

It requires no supernatural vision to see that a body of professing Christians, large and intelligent as is ours, occupying the position which the providence of God has assigned to us, must be laid under weighty responsibilities, and that it deeply concerns us to know and meet them.

An important branch of our duty respects ourselves. By the course pursued by our brethren of the New Basis, we have been deeply grieved and injured. That the *principles*, which in the main, have governed us in resisting their revolutionary and oppressive measures, are characterized by eternal truth and righteousness, we do not doubt. That in the peculiarly trying circumstances in which we have been placed by the action of our exscinding and falsely accusing brethren, we have never indulged feelings and performed acts displeasing to God, we would by no means affirm. Hence, it is our duty to exercise the most diligent self-scrutiny for the purpose of ascertaining wherein we have sinned, to humble ourselves before God, and seek his pardoning mercy.

To our brethren, by whom we feel that we have been

deeply injured, we owe an important duty. They have cast brethren in good standing out of the Church, untried; compelled those of our body, who were not exscinded, to stand by them and attempt to redress their wrongs or sacrifice their principles. They have laid things to our charge respecting our doctrinal belief, our practice, and the adoption of our standards, of which we know ourselves to be guiltless as the angels before the throne of God. The errors, which they have from time to time laid to our charge, we as sincerely reject as they do, and are grieved that our testimony against them, and in favor of the system contained in the Confession of Faith and Catechisms, which both *they* and *we* adopt, is not believed by them. It is no matter of surprise, that the *leaders* of the misnamed reform do not believe our testimony, but it is that the numerous, excellent brethren in that branch of the Church, who have confidence in our orthodoxy and integrity, can hear us slandered as we have been for years, and still are by men in their connection, and forbear to lift up their voices in our defence. Still they are our brethren, redeemed by the same precious blood to which we trust for remission and eternal life. As such we are bound to bear with and love them, their faults notwithstanding, and pray no less sincerely than we do for ourselves, that God would make known to them their duty, give them grace to perform it, and cause the light of His countenance to shine upon them.

What we have suffered from the revolutionary and intolerant measures of the New Basis Assembly, should lead to the exercise of forbearance and toleration toward each other in regard to things of subordinate moment, concerning which we differ. An intolerant, overbearing spirit in our branch of the Church, would be most unseemly, and deeply culpable. In our position, we ought to give the most earnest heed to the inspired entreaty and injunction: "That ye walk worthy of the vocation wherewith ye are called, with all lowliness and meekness, with long-suffering, forgiving one an-

other in love; endeavoring to keep the unity of the Spirit in the bond of peace."

Our position before all the branches of the great Protestant brotherhood of believers, and before the world, as the sincere friends of our standards of doctrine and order, should influence us to a strict adherence to them in accordance with the principles of the adopting act of 1729. If there be men in our branch of the church who repudiate their doctrines, and are guilty of flagrant departures from their discipline and order, let the measures, prescribed by the Gospel, be employed to reclaim them. Should they prove unavailing, let them be removed from us by judicial process. May the day never come when any shall be declared out of our communion by the operation of ex-post-facto laws and legislative acts, wholly unauthorized by our Constitution and the Word of God.

As a distinct branch of the great family of believers in Christ, we have certainly a *right*, nay, it is our *imperative duty*, to employ all available means authorized by the Gospel for her enlargement and prosperity. Not less sacredly are we bound to abstain from infringing the rights of other branches of "the household of faith," and the littleness and guilt of a bigoted and sectarian policy and spirit. Should we unhappily be called to resist these evils in our brethren of other denominations, let us oppose them by the firmness of Christian principle, the meekness of heavenly wisdom, and the spirit of Christian forbearance and love. Our position is too high and sacred to allow us to descend to the low ground of sectarian prejudice and policy. Our principles forbid us to employ the low arts of proselytism to augment our numbers, or interfere with the evangelical labors of Christians of other denominations who differ from us only in matters of subordinate importance. Still, we are Roman citizens, or rather the Lord's freemen, and *may*, and *ought* to defend our rights with the weapons of truth and love. It is our indispensable duty to seek the purity, peace, and enlargement of

that branch of the church with which we are connected, because we believe it to be most conformable to the Gospel pattern. The field of labor for the world's recovery to God is broad enough for all the disciples of Christ, without interfering with each other. While we honestly and sincerely labor to propagate Constitutional Presbyterianism, let us rejoice in the success of all who labor to make converts to Christ by the Gospel.

Our principles lay us under obligation to do all in our power to give increased efficiency to Voluntary Societies for the spread of the Gospel and the conversion of the world. The unreasonable opposition to them on the part of our brethren, and their iron determination to exclude their operation from the Presbyterian Church, and bind all her members to contribute to Boards under Ecclesiastical control, was one of the chief causes of placing us in our present position. We had no desire to interfere with their preferences, and all we asked or desired from them, was like toleration. This they denied us, and insisted that in this particular we should submit to their dictation or be separated from them. If there be any in our body who adopt their views of Ecclesiastical Boards, it certainly becomes them to pay a respectful deference to the opinions of those who differ from them, and especially of their fathers and brethren who have manfully and with great self-denial contended for the voluntary principle in labors for spreading the Gospel at home and in foreign lands. Especially should we hold fast and defend that feature of the voluntary principle which unites the labors, contributions, and prayers of Christians of different names for the spread of their common faith, and promoting the glory of their common Father, Redeemer, and Sanctifier.

To all who are suffering from civil or ecclesiastical despotism, we owe an important duty. *What* we are bound to do for their relief, it may not in all cases be easy to decide; but that we are under obligation to sympathize with them, and do for them what we might reasonably desire them to

do for us in like circumstances, is manifest as the light. As the avowed friends of civil and religious liberty, we are bound to employ all *lawful* means for the defence of the rights of the oppressed both in Church and State. To this principle we stand committed before our country and the world, by the action of several of our Assemblies. The field before us, inviting this labor of love, is vast, for the number of those, both in Church and State, who are suffering under the burdens and wrongs of involuntary bondage, is immense. It should be our aim to have our branch of the Church detached from all connection with the system of slavery,—nay, to do our utmost to banish this Hydra evil from our country and the world, and introduce all the victims of error and superstition into the glorious liberty of the Gospel;—liberty to read and interpret the word of God for themselves, and worship Him, unembarrassed by the traditions and commandments of men.

OUR PROSPECTS

are bright with encouragement and hope, demanding our united and fervent thanksgiving to God. How changed are they since the excision of 1837 and the organization of our Assembly in 1838! The year between those Assemblies was a period of deep anxiety and painful apprehension. Our brethren, who had lent their agency to procure the excision of the four Synods and the dissolution of the Third Presbytery of Philadelphia, or were pledged to support them, were strong in the belief that those Synods, and all who were resolved to make common cause with them, could never form a homogeneous, harmonious body. The ruling spirit of the Assembly of 1837, when urging the passage of the exscinding resolutions, said, "Moderator, pass them, and you will scatter these New School men to the winds, and never hear of them again." After they had been passed, multitudes believed that this assertion would be verified. They were confident that many who were deeply grieved by their

passage, would nevertheless sit down under them without complaint, and that a still greater number would seek a union with Congregationalists. The firm friends of Constitutional Presbyterianism could not tell what would be the effect of so violent a blow for the deprivation of rights, secured by the Constitution of the church, as that which, contrary to every principle of natural justice, thrust out of it *five hundred of her Ministers and sixty thousand of her Communicants, without trial or citation.* It was calculated to produce strong prejudices against a system, under which a deed of such revolting iniquity had been perpetrated.

Thanks be to God, the dark and ominous clouds which for years brooded over us, have dispersed, and left our sky serene and bright. If we do not misjudge, the Sun of Righteousness sheds no brighter beams of gladness and hope upon any portion of the Lord's heritage. Our position before the world commends itself to the approval of intelligent and candid observers of all creeds and all ecclesiastical organizations. Our action respecting slavery renders our prospects most cheering when compared with those of other denominations, which have shut out from their deliberative bodies all discussion respecting it. They will be compelled to admit it. The spirit of the age and the providence of God *will*, ere long, *force* it upon them, but what may be its results in respect to their peace and prosperity, remains to be known. Our branch of the church has discussed it in all its bearings, calmly and fully, and our principles and policy respecting it are understood, and generally approved. With uncompromising hostility to the system, we unite a conservative, benevolent policy in respect to measures for its removal.

With a creed strictly Calvinistic, we associate views respecting the extent of the atonement, the basis of human obligation, and the nature of the sinner's inability to do the will of God, which furnish advantages for defending the system and justifying "the ways of God to men," which those who

differ from us on these points have not. They cannot, as we can, vindicate the sincerity of God in the indiscriminate offer of salvation to all, and press, as we can, the obligations of the impenitent to yield immediate obedience to the Gospel. On these topics, our theology is that of common sense, sound philosophy, and the obvious teaching of inspiration.

Our principles, too, instead of *forbidding, require* us to co-operate with all who give evidence of discipleship to the Lord Jesus, in efforts to spread the Gospel. For this benevolent, God-like purpose, we can labor, unencumbered with the iron coat of mail with which sectarian exclusiveness girds its disciples. Many of the obstacles to our progress by which we have been embarrassed most of the time since our organization in 1838, are now removed. During a large portion of this period, much of our time and energies were necessarily devoted to the defence of our position and rights. Now we can consecrate them to labors for extending the borders of our heritage and the spread of the Gospel through the world. We are not, indeed, rich in moneyed investments. All that the church possessed previous to the division, our brethren of the New Basis have appropriated to themselves. We are confident, however, that God, whose is "the silver and the gold,—the earth—and the fulness thereof," approves our principles and policy, and if we humbly confide in Him, will not withhold His blessing from us. Though not the largest, we are not the *least* of "the tribes of Israel." We have valuable seminaries, endowed and in the process of endowment, for giving a thorough education to our candidates for the ministry. With our more than fourteen hundred Ministers, more than fifteen hundred Churches, and more than one hundred and forty thousand Communicants, embracing a large amount of talent, learning, wealth and influence, if associated, as we pray it may be, with a spirit of activity and humble dependence upon God, what, by His blessing, may we not achieve for the dissemination of His truth, the promotion of His honor, and the salvation of our sin-destroyed, suffering

world! All that is necessary to warrant the most enlarged expectations of success in every department of Christian labor, is, that our churches and ministry receive a fresh baptism of the Holy Ghost. Let us seek this priceless blessing, by humble, believing, persevering prayer. With these animating prospects before us, let us arise in the strength of our redeeming God, and lay all our powers under contribution for the advancement of His kingdom and honor;—always abounding in His work, assured that our labor will not be in vain.

Appendix.

[A.]

JUDGE ROGERS' CHARGE.

In the course of my remarks, gentlemen, so far as lies in my power, I shall instruct you positively, clearly, and directly, upon the different points of law involved in this case. My observations will be brief, and discarding all collateral matter, I shall direct your attention to the very points which I think material. If I err in my instructions to you, by a resort to a higher tribunal, the error may be corrected. I now request your careful attention.

Before the year 1758, the Presbyterian Churches in this country, were under the care of two separate Synods, and their respective Presbyteries: the Synod of New York and the Synod of Philadelphia.

In the year 1758, these Synods were united, and were called the "Synod of New York and Philadelphia." This continued until the year 1788, when the General Assembly was formed. The Synod was then divided into four Synods, the Synods of New York and New Jersey, Philadelphia, Virginia, and the Carolinas; of these four Synods the General Assembly was constituted.

In 1803 the Synod of Albany was erected. This Synod has been from time to time sub-divided, and the Synods of Genesee, Geneva, and Utica have been formed.

The Synod of Pittsburg has been also erected, out of which the Synod of the Western Reserve has been formed.

These constitute the four exscinded Synods, viz., the Synods of Genesee, Geneva, Utica, and the Western Reserve.

The General Assembly was constituted by every Presbytery at their last stated meeting, preceding the meeting of the General Assembly, deputing to the General Assembly commissioners in certain specific proportions.

The Westminster Confession of Faith is part of the constitution of the Church. The constitution could not be altered, unless two-thirds of the Presbyteries under the care of the General Assembly, prepared alterations or amendments, and such alterations or amendments were agreed to by the General Assembly.

The Form of Government was amended in 1821. The General Assembly now consists of an "equal delegation of bishops and elders from each Presbytery in certain proportions."

The judicatories of the Church consist of the Session, of the Presbyteries, of Synods, and the General Assembly.

The church-session consists of the pastor, or pastors, and ruling elders of a particular congregation. A Presbytery, of all the ministers and one ruling elder from each congregation within a certain district. A Synod is a convention of bishops and elders, including at least three Presbyteries. And the General Assembly, of an equal delegation of bishops and elders, from each Presbytery, in the following proportion, viz. each Presbytery consisting of not more than twenty-four ministers, sends one minister and one elder; and each Presbytery consisting of more than twenty-four ministers, sends two ministers and two elders; and in the like proportion for every twenty-four ministers in any Presbytery. The delegates so appointed are styled commissioners to the General Assembly.

The General Assembly is the highest judicatory of the Presbyterian Church. It represents, in one body, all the particular churches of this denomination of Christians.

In relation to this body, the most important undoubtedly are the various Presbyteries; for, as was before said, the General Assembly consists of an equal delegation of bishops and elders from each of the Presbyteries. If the Presbyteries are destroyed, the General Assembly falls, as a matter of course, as there would no longer be any constituent bodies in existence, from which delegates could be sent to the General Assembly.

The Presbyteries are essential features in the form of government in another particular, for before any overtures or regulations proposed by the General Assembly, to be established as constitutional rules, can be obligatory on the churches, it is necessary to transmit them to all the Presbyteries, and to receive the returns of at least a majority of them in writing, approving thereof.

A Synod, as has been before observed, is a convention of bishops and elders within a district, including at least three Presbyteries. The Synods have a supervisory power over Presbyteries, but unlike Presbyteries, as such they are not essential to the existence of the Gen-

eral Assembly. If every Synod in the United States were exscinded and destroyed, still the General Assembly would remain as the highest tribunal in the Church. In this particular there is a vital difference between Presbyteries and Synods. The only connexion between the General Assembly and the Synods is, that the former has a supervisory power over the latter.

Having thus given you an account of such parts of the Form of Church government as may, in some aspects of the cause, be material, I shall now call your attention to the matter in issue.

This proceeding is what is called a "*Quo Warranto.*" It is issued by the Commonwealth, at the suggestion of James Todd and others, against Ashbel Green and others, to show by what authority they claim to exercise the office of Trustees of the General Assembly of the Presbyterian Church in the United States of America. I must here remark, that it is not only an appropriate, but the best method of trying the issue in this cause.

It is admitted, that until the 24th of May, 1838, the respondents were the rightful trustees; but it is contended by the relators, that on that day, the 24th of May, 1838, in pursuance of the act of incorporation, the General Assembly of the Presbyterian Church changed one third of the trustees, by the election of the relators in the place and stead of the respondents.

On the 28th of March, 1799, the Legislature of Pennsylvania declared Ashbel Green and seventeen others, (naming them), a body politic, and corporate, by the name and style of Trustees of the General Assembly of the Presbyterian Church in the United States of America.

The sixth section provides that the corporation shall not, at any time, consist of more than eighteen persons; whereof, the General Assembly may, at their discretion, as often as they shall hold their sessions in the State of Pennsylvania, change one third in such manner as to the General Assembly may seem proper.

It was the intention of the Legislature, by the act of incorporation, to provide for the election of competent persons, who, as an incorporated body, might with more ease, and in a better manner, manage the temporal affairs of the Church. It is only in this aspect that we have cognizance of the case.

In this country, for the mutual advantage of church and state, we have wisely separated the ecclesiastical from the civil power. The court has as little inclination as authority to interfere with the church and its government, farther than may be necessary for its protection and security. It is only as it bears upon the corporation, which is the creature of the civil power, that we have any right to determine

the validity, or to construe the acts and resolutions of the General Assembly. It is, however, sufficient for us, gentlemen, to know that in this case we have that right.

Although neither the members of the General Assembly, as such, nor the General Assembly itself, are individually or aggregately members of the corporation, yet the Assembly has power, from time to time, as they may deem proper, to change the trustees, and to give special instructions for their government. They stand in the relation of electors, and have been properly denominated in the argument, *quasi* corporate. The trustees only are the corporation by express words of the act of the Assembly.

Unhappily, differences have arisen in the church, (the nature of which it is not necessary for us to inquire into,) which have caused a division of its members into two parties, called and known as the Old and New School. These appellations we may adopt for the sake of designating the respective parties, the existence of which will have an important bearing on some of the questions involved in this important cause. It gives a key to conduct which it would be otherwise difficult to explain.

The division continued to increase in strength and virulence until the session of 1837, when certain decisive measures, which will be hereafter stated, were taken by the General Assembly, which at this time was under the control of members, who sympathize, (as the phrase is,) with the principles of the Old School.

At an early period the Presbyterian Church, at their own suggestion, formed unions with cognate churches, that is, with churches whose faith, principles and practice, assimilated with their own, and between whom there was thought to be no essential difference in doctrine.

On this principle a plan of union and correspondence was adopted by the Assembly in 1792, with the General Association of Connecticut, with Vermont in 1803, with that of New Hampshire in 1810, with Massachusetts in 1811, with the Northern Associate Presbytery of Albany in 1802, and with the Reformed Dutch Church, and the Associate Reformed Church, in 1798.

These conventions, as is stated, originated in measures adopted by the General Assembly in 1790 and 1791. The delegates from each of the associated churches not only sat and deliberated with each other, but also acted and voted by virtue of the express terms of the union.

In further pursuance of the settled policy of the Church to extend its sphere of usefulness, in the year 1801, a plan of union between the Presbyterians and Congregationalists was formed.

The plan which was devised by the fathers of the Church, to prevent alienation and to promote harmony, was observed by the General Assembly without question by them, until the year 1835, a period of thirty-four years.

At that time it was resolved by the General Assembly, that they deemed it no longer desirable that churches should be formed in their Presbyterian connexion, agreeably to the plan adopted by the Assembly and the General Association of Connecticut in 1801. They, therefore, resolved that their brethren of the General Association of Connecticut be, and they hereby are, respectfully requested to *consent* that the said plan shall be, from and after the next meeting of that Association, declared to be annulled. And also resolved that the annulling of said plan shall not in any wise interfere with the existence and lawful association of churches which *have been already formed* on this plan.

To this resolution no reasonable objection can be made; and if the matter had been permitted to rest here, we should not have been troubled with this controversy. It had not then occurred to the Assembly, that the plan of union was unconstitutional. The resolutions are predicated on the belief that the agreement or compact was constitutional. They request that the Association of Connecticut would *consent* to rescind it. It does not seem to have been thought that this could be done without their consent. And, moreover, the resolution expressly saves the right of existing churches which had been formed on that plan.

I must be permitted to regret, for the sake of peace and harmony, that this business was not suffered to rest on the basis of resolutions which breathe the spirit of peace and good feeling. But, unfortunately, the General Assembly, in 1837, which was then under another influence, took a different view of the question.

"As the 'Plan of Union' adopted for the new settlements, in 1801, was originally an unconstitutional act on the part of that Assembly—these important standing rules having never been submitted to the Presbyteries—and as they were totally destitute of authority as proceeding from the General Association of Connecticut, which is invested with no power to legislate in such cases, and especially to enact laws to regulate churches not within her limits; and as much confusion and irregularity have arisen from this unnatural and unconstitutional system of union, therefore it is resolved, that the Act of the Assembly of 1801, entitled a 'Plan of Union,' be, and the same is hereby abrogated." See Digest, pp. 297–299.

The resolution declares the Plan of Union to be unconstitutional.

First, because those important standing rules, as they call them, were not submitted to the Presbyteries; and, secondly, because the General Association of Connecticut was invested with no power to legislate in such cases, and especially to enact laws to regulate churches not within their limits.

The Court is not satisfied with the force of these reasons, and does not think the agreement, or Plan of Union, comes within the words or spirit of that clause in the constitution, which provides that before any overture or regulations shall be proposed by the General Assembly to be established as constitutional rules, shall be obligatory on the churches, it shall be necessary to transmit them to all the Presbyteries, and to receive the returns of at least a majority of them, approving thereof. Nor is it, in the opinion of the Court, in conflict with the constitution, before its amendment in 1821, which provides that no alteration shall be made in the Constitution, unless two-thirds of the Presbyteries under the care of the General Assembly propose alterations or amendments, and such alterations or amendments are agreed to by the Assembly.

It was a regulation made by competent parties, and not intended by either as a constitutional rule; nor was it obligatory on any of the Presbyterian Churches within their connexion. Those who were competent to make it, were competent to dissolve it without the assent of the presbyteries, as such, which could not be done, were it a constitutional rule, within the meaning of the constitution. Whether one party may dissolve it, without the consent of the other, it might be unnecessary to decide. My opinion is that they can. The Plan of Union is intended to prevent alienation, and to promote union and harmony in the new settlements.

It is not a union of the Presbyterian *Church* with a Congregational Church, or churches, but it purports to be, and is, a Plan of Union between individual members of the Presbyterian and Congregational churches, in that portion of the country which was then denominated the New Settlements. It is advisory and recommendatory in its character—has nothing obligatory about it. A Congregational church, as such, is not by force of the agreement incorporated with the Presbyterian Church. It has no necessary connexion with it; for it is only when the congregation consists partly of those who hold the Congregational form of discipline, and partly of those who hold the Presbyterian form, and there is an appeal to the presbytery, (as there may be in certain cases,) that the Standing Committee of the Congregational church, consisting partly of Presbyterians and partly of Congregationalists, may, or shall attend the presbytery, and may have

the same right to sit and act in the presbytery as a ruling elder. And whatever may have been occasionally the instances to the contrary, this I conceive to be the obvious construction of the regulation. That part of the agreement was intended as a safeguard, or protection of the rights of all the parties to be affected by it, without any design to confer upon the Standing Committee all the rights of a ruling elder.

I view it as a matter of discipline, and not of doctrine; the effect of which is to exempt those members of the different communions, who adopted it, from the censures of the church to which they belong, and particularly the clerical portion of them.

The Court is also of the opinion, that after an acquiescence of nearly forty years, and particularly after the adoption by the presbyteries of the amended constitution of 1821, the Plan of Union is not now open to objection. The plan has been recognized by the presbyteries at various times, and in different manners, under the old and amended constitution. It has been acted on by them and the General Assembly in repeated instances, and is equally as obligatory as if it had received the express sanction of the presbyteries in all the forms known to the constitution.

That acquiescence gives right, is a principle which we must admit. The constitutionality of the purchase and admission of Louisiana as a member of the Union, was doubted by some of the wisest heads and purest hearts in the country; but he would be a very bold man, indeed, who would now deny that state, and Mississippi, Arkansas, and Missouri, to be members of the confederation. In the memorable struggle for the admission of Missouri into the Union, this objection was never taken.

Nor am I satisfied with the second reason, that the General Association of Connecticut was invested with no power to legislate in such cases, and especially to enact laws to regulate churches not within their limits. Although the General Assembly had the right to annul the Plan of Union without the assent of the General Association of Connecticut, yet I must be permitted to say, that after having acted on the plan, and reaped all the advantages of it, it is rather discourteous, to say the least of it, to attempt to abrogate it without the consent of the other party. Although the Association may be an advisory body, yet it does not appear that any difficulty has been started by them, or by the churches under their control. All parties acquiesced in it for thirty-six years, and it would be too late for either now to object to its validity. Nor is there any thing in the idea that they have no power to regulate churches not within their limits. This is a matter of consent, and there is nothing to prevent churches

in one state from submitting themselves to the ecclesiastical government of churches located in another state. The Presbyterian Church has furnished us with repeated examples of this kind.

So far from believing the Plan of Union to be unconstitutional, I concur fully with one of the counsel, that, confined within its legitimate limits, it is an agreement or regulation, which the General Assembly not only had power to make, but that it is one which is well calculated to promote the best interests of religion.

If, as is stated, the standing committee of Congregational churches have claimed and exercised the same rights as ruling elders in presbyteries, and in the General Assembly itself, it is an abuse which may be corrected by the proper tribunals; but surely that is no argument, or one of but little weight, to show that the Plan of Union is unconstitutional and void.

Although, in the opinion of the Court, the Assembly have the right to repeal the Plan of Union without the consent of the General Association of Connecticut, yet it was unjust to repeal it, without saving the rights of existing ministers and churches. But this is a matter, the propriety of which they must determine.

But whether the Plan of Union be constitutional or not, is only material so far as it is made the basis of some subsequent resolutions, to which your attention will now be directed.

At the same session, and after failure of an attempt at compromise, the character of which has been the subject of much comment, the General Assembly "resolved, that by the abrogation of the Plan of Union of 1801, the Synod of the Western Reserve is, and is hereby declared to be, no longer a part of the Presbyterian Church."

"*Resolved*, That in consequence of the abrogation by this General Assembly of the Plan of Union of 1801, between it and the General Association of Connecticut, as utterly unconstitutional, and therefore null and void from the beginning, the Synods of Utica, Geneva, and Genesee, which were formed and attached to this body, under and in execution of said Plan of Union, be, and are hereby declared to be, out of the connexion of the Presbyterian Church in the United States of America, and that they are not, in form or in fact, an integral portion of said church."

These resolutions refer only in name to the four synods, and if we were called on for the construction alone, it might be well doubted whether they were intended, or could be made to include, the presbyteries within their limits, the constituents or electoral bodies of the General Assembly itself. I should be inclined, for the purpose of protecting their rights from a resolution so penal in its character, to say

that they were not included, either in the spirit or words of the resolution. But this construction we are prevented from giving by their declarative resolution. It is there in effect said, that it is the purpose of the General Assembly to destroy the relations of all said synods and all their constituent parts to the General Assembly and to the Presbyterian Church in the United States. In the fourth resolution it is declared, that any presbytery within the four synods, being strictly Presbyterian in doctrine and order, who may desire to be united with them, are hereby directed to make application, with a full statement of their case, to the next General Assembly, which will take proper order thereon.

There is no mistaking the character of these resolutions. It is an immediate dissolution of all connexion between the four synods and all their constituent parts, and the General Assembly. They are destructive of the rights of electors of the General Assembly. The connexion might be renewed, it is true, by each of the presbyteries making application to the next General Assembly, but they are at liberty to accept or refuse them, provided they, the General Assembly, deem them strictly Presbyterian in doctrine and order. As they had the right to admit them, they had the right, also, to refuse them, unless, in their opinion, they were strictly Presbyterian in doctrine and order.

By these resolutions, the commissioners, who had acted with the General Assembly up to that time, were deprived of their seats. At the same time, four synods, with twenty-eight presbyteries, were cut off from all connexion with the Presbyterian Church. The General Assembly resolved, that because the Plan of 1801 was unconstitutional, those synods and their constituent parts are no longer integral parts of the Presbyterian Church.

You will observe, that I have already said the Plan of Union is constitutional. That reason therefore fails. They have resolved that it is not only unconstitutional, but that it is null and void from the beginning. Instead of a *prospective*, they have given their resolutions a *retrospective* effect, the injustice of which is most manifest.

But admitting that the Plan of Union is unconstitutional, null and void, from the beginning, I cannot perceive what justification that furnishes for the exscinding resolutions. The infusion of Congregationalists with the presbyteries, or the General Assembly itself, does not invalidate the acts of the General Assembly. They had a right, notwithstanding the charter, which recognizes elders and ministers as composing the Presbyterian Church, to perform the functions committed to them by the constitution. And among them to establish

and divide synods, to create presbyteries, as in their judgment the exigencies of the church might demand.

Accordingly, we find that the four synods, and all the presbyteries attached to them, have been formed since the year 1801. The Assembly creates the synods, and the synods the presbyteries. Sometimes the Assembly creates the presbyteries—a course pursued with some of the presbyteries which have been exscinded. They have been established since, but this is no evidence that the four exscinded synods were formed and attached to the General Assembly under, and in execution of, the Plan of Union. The compact, as has been before observed, was intended for a different purpose, and imposed on the Presbyterian Church no obligation to admit churches formed on the plan, as members. It was a voluntary act, and not the necessary result of the agreement; nor does it appear that the presbyteries were formed and incorporated with the church on any other terms or conditions than other presbyteries, who were in regular course taken into the Presbyterian connexion.

But, gentlemen, when resolutions of so unusual a character, so condemnatory, and so destructive of the rights of electors, the constituents of the Assembly itself, are passed, we have a right to require that the substantial forms of justice be observed. But so far from this, the General Assembly, in the plenitude of its power, has undertaken to exclude from all their rights and privileges twenty-eight presbyteries, who are its constituents, without notice, and without even the form of trial. By the resolutions, the commissioners, who had acted as members of the General Assembly for two weeks, were at once deprived of their seats. Four synods, twenty-eight presbyteries, five hundred and nine ministers, five hundred and ninety-nine churches, and sixty thousand communicants, were at once disfranchised and deprived of their privileges in this church.

This proceeding is not only contrary to the eternal principles of justice, the principles of the common law, but it is at variance with the constitution of the church.

This is not in the nature of a *legislative*, but it is a *judicial* proceeding to all intents and purposes. It is idle to deny that the presbyteries within the infected districts, as they are called, were treated as enemies and offenders against the rules, regulations, and doctrines of the church. If there is anything that a man values, it is his religious rights.

And of this opinion were the General Assembly themselves; for, only a few days before, they came to the following resolutions:

"*Resolved*, 1. That the proper steps now be taken to cite to the bar of

the next Assembly, such inferior judicatories as are charged by common fame with irregularities.

"2. That a special committee be now appointed to ascertain what inferior judicatories are thus charged by common fame, prepare charges and specifications against them, and to digest a suitable plan of procedure in the matter, and that said committee be requested to report as soon as practicable."

Nothing further appears to have been done in this matter in the General Assembly, for, after failure of the attempt at compromise, they appear to have discovered a much more expeditious, if not a more agreeable method of effecting their object.

I have said that exscinding the presbyteries without notice, and without trial, was not only contrary to the common law, but it was contrary to the constitution of the church. And it is only necessary to open the book of discipline to see how very careful the fathers of the church have been to secure to the accused a full, fair and impartial trial.

Notice is given to the parties concerned, at least ten days before the meeting of the judicatory. The accused are informed of the names of all the witnesses to be adduced against them. When the charges are exhibited, the time, places and circumstances are stated, if, by possibility, they can be ascertained: citations are issued, signed by the moderator or clerk, by order, and in the name of the judicatory.

Judicatories are enjoined to ascertain, before proceeding to trial, that their citations have been duly served. And, to secure a fair and impartial trial, the witnesses are to be examined in the presence of the accused, who is permitted to ask any question tending to his own exculpation. The judgment, when rendered, is regularly entered on the records of the judicatory.

If these proceedings, before judgment, are requisite in the case of the meanest member of the church, (the omission of which, by any of the inferior judicatories, would call down on the offenders the severest censure of the General Assembly,) it is inconceivable that similar precautions are not necessary to protect the rights of presbyteries, which consist of many individuals, from the injustice, violence, and party spirit of the General Assembly itself. Constitutions are intended to protect the weak, the minority from the injustice of the majority.

The majority, for the most part, are able to protect themselves. It is the minority that need protection, and for this purpose it is necessary to encircle them with at least all the *forms* of justice.

This, as has been before observed, is a judicial act; and if a regular trial had been had, and judgment rendered, the sentence would have been conclusive. We should not have attempted to examine the justice of the proceeding; but inasmuch as there have been no citations, and no trial, I instruct you, that the resolutions of the General Assembly exscinding the four Synods of Utica, Geneva, Genesee, and the Western Reserve, are *unconstitutional*, *null* and *void*.

The judgments of all courts, whether ecclesiastical or civil, whether of inferior or superior judicatories, are absolutely void when rendered without citations, and without trial, and without the opportunity of a hearing.

But admitting this to be in the nature of a legislative proceeding, still it is void; for I deny the right of any legislature to deprive an elector of his right to vote, either with or without trial.

This is a power which can only be exercised by a judicial tribunal, who act under the sanction of an oath, who examine witnesses on oath, and who conform to all the rules of evidence established by the usages of the law.

If the Legislature of Pennsylvania should dare, by resolution or otherwise, to deprive one of you, gentlemen, of your right as an elector, it would be the duty of the Court to declare such an act null and void. I am unable to distinguish the difference between the two cases.

Whether the General Assembly are the proper tribunal, in the first instance, for the trial of offences, or whether the presbyteries are amenable to their judicatories, in this or any other mode, it is unnecessary to decide; as the Court are clearly of the opinion, that if they have the right, it must be exercised with the same rules and regulations which are applicable to the inferior judicatories.

Personal process in each case may be "tedious, agitating and troublesome in the highest degree;" but it is obviously not impossible. Nor does it strike me as impossible to devise a plan under the constitution to correct heresy and schism, without resort to personal process in each case. But if it were so, this is an excuse, but it is no justification of the exscinding resolutions.

Offenders, according to the rules of the church, may be brought before a judicatory by common fame. But I perceive no power given to convict on common fame.

You will remark, gentlemen, that the presbyteries, by the constitution of the church, are the electors of the General Assembly. Their right of representation has been taken away without trial, without the examination (as far as we know) of a single witness.

Whether these presbyteries have Congregational churches in their connexion, is not now material. It is possible that had a trial been had, that point, which is deemed so important, might have been disproved. At any rate, it would seem a singular reason for dissolving a whole presbytery, that one church was contaminated with false and heretical doctrines, or doctrines not strictly Presbyterian; that a whole presbytery should be ejected, because a single church was governed without the benefit of ruling elders. It would be a reason, perhaps a good one, for cutting off that church from the Presbyterian connexion, but none for casting out the whole presbytery. And this, gentlemen, would be particularly severe on the members and congregations, when the fact was known at the time the presbytery was created that such connexion did exist.

If, however, after having condemned this (as it is called) unnatural connexion, the presbyteries should obstinately continue to adhere to it, then they would justly expose themselves to the severest censures of the church. But whether there is any mode known to the constitution, by which a bresbytery can be deprived of the right of representation on the floor of the General Assembly, is a point which is not necessary to the case, and which I shall not undertake to decide.

I have been requested by the respondents' counsel to instruct you, that the introduction of lay delegates from Congregational establishments into the judicatories of the Presbyterian Church, was a violation of the fundamental principle of Presbyterianism, and a contradiction of the Act of the Legislature of Pennsylvania, incorporating the Trustees of the church: that any act permitting such introduction would therefore have been void, although submitted to the presbyteries. As an abstract question on this point, I give an affirmative answer, although, gentlemen, I am unable to see the bearing it has on the matter at issue in this cause.

You have already seen that the Court is of the opinion, that the exscinding resolutions are unconstitutional, null and void; yet this did not of itself dissolve the General Assembly. The General Assembly was dissolved only at the termination of its sessions. You will perceive in the course of the remarks which I shall have to make to you, that the acts of this Assembly will have an important influence on the proceedings of the Assembly of 1838.

The General Assembly of the Presbyterian Church is entitled to decide upon the right claimed by any one to a seat in that body, but unlike legislative bodies, their decision is the subject of revision. Ecclesiastical judicatories are subject to the control of the law.

I also instruct you, that a *Mandamus* would not reach the case, for before the remedy could be applied, the General Assembly would be dissolved, and it would be impossible to foresee whether the next Assembly would persist in their illegal and unconstitutional course of conduct. You will recollect that the commissioners are elected a short time before the meeting of the General Assembly, and that that body, which sits but a few weeks for the transaction of business, is dissolved, and a new General Assembly is called at the termination of the sessions.

Having thus disposed of the proceeding of the General Assembly of 1837, we will now direct our attention to the acts of 1838. It will perhaps conduce to a proper understanding of the somewhat extraordinary proceedings which then took place, to advert to the practice of the General Assembly in times of less excitement and interest than existed on that occasion.

After the business of the Assembly is finished, the General Assembly is dissolved, and another General Assembly is directed to be chosen in the same manner, to meet at a time and place designated by the Assembly.

The moderator, or in case of his absence, another member appointed for the purpose, opens the next meeting with a sermon; he is directed to hold the chair till a new moderator be chosen. As this is for the purpose of organization, it is not necessary that he be a member, nor is it necessary that the clerks should be members, who are requested to attend for the same purpose.

By the practice of the Assembly, in pursuance of a regulation for that purpose, the stated and permanent clerks are a standing committee on commissions. To them are submitted the commissions of members: they decide on them in the first place, and if unexceptionable in form or substance, they are enrolled as members of the house: if exceptionable, they report them as such in a separate list. The moderator, after divine service, opens the session with prayer. He takes his seat as moderator, and proceeds to organize the house. The first business in order is the report of the clerks, who are the Committee on Commissions, who make a report stating on the roll those who are members, and designating either in the roll, or in a separate list, those whose commissions have been examined and found defective either in form or in substance.

The next business in order is to appoint a committee on elections from the list of members who have been enrolled.

To that committee are referred the commissions of such persons

as may claim seats, whose commissions have been examined and rejected.

It is usual to appoint the committee on elections on the morning of the first day of the session, and they, unless in cases of difficulty, report to the house in the afternoon, and the house decides upon the propriety of the report. It would seem also to be the practice, that when a commissioner has omitted to hand in his commission to the clerks, before the meeting of the Assembly, he may do so in the Assembly, and the Committee of Commissions may add his name to the roll of members.

After the house is organized, they proceed to the choice of a moderator, and stated and permanent clerks, to preside over their deliberations, and to keep their records during their session.

You will observe that I am speaking of the rules of practice in the sessions of 1837 and 1838.

As the church increased in numbers, and, I may add without giving offence, after the spirit of contention increased also in the same or a greater ratio, the simplicity of the ancient practice gradually changed. The changes have been stated with great clearness by one of our venerable fathers, but as we have to do with existing rather than ancient rules, it is not necessary for me to notice them.

The jury will recollect that the Court has decided that the exscinding resolutions of the General Assembly of 1837, were unconstitutional, null and void.

It results from this opinion, that the commissioners from the presbyteries within the bounds of these synods, had the same right to seats in the General Assembly as the members from other presbyteries within the jurisdiction of the Assembly, and were liable to be dealt with by them in the same manner as commissioners from other presbyteries.

It was under these circumstances they presented themselves, with commissions in proper form, to Mr. Krebs and Dr. M'Dowell, the clerks of the former Assembly. They not only rejected their commissions, but refused to put their names on the roll at all.

I shall not now stop to inquire whether these gentlemen were, or were not, pledged to the course they thought proper to pursue, nor into the question whether they were the judges of the constitutionality of an act of a former Assembly, as I am clearly of the opinion, and I so instruct you, that they grossly erred in refusing to place their names on the list of rejected applicants. They were the committee on commissions to whom such questions are in the first place referred. It was their duty to decide on the propriety of the application and to

refer the decision to the further action of the House, by adding their names to the roll of members whose commissions had been examined and rejected.

They cannot consider commissions, in other respects regular, as alien and outlawed, merely because they proceeded from presbyteries that had been unconstitutionally put out of the pale of the church without citation and without trial.

It is, therefore, the opinion of the Court, that in this there was a palpable violation of the rights of the proscribed commissioners. And this, gentlemen, was the second error committed, and which led to the scene of disorder which ensued, so little creditable to a Christian Assembly.

After the moderator, Dr. Elliott, had taken the chair, Dr. Patton addressed the chair, and stated that he had certain resolutions to offer. The moderator decided that he was out of order, that the first business was the report of the clerks, who, you will recollect, were the committee on commissions.

Dr. Patton stated that his motion or resolution had reference to the formation of the roll, that it was his intention to make his motion and have the question taken without debate. The moderator said the clerks were proceeding with their report. Dr. Patton reminded the moderator that he had the floor before the clerks. The moderator still decided he was out of order, whereupon Dr. Patton respectfully appealed from the decision of the chair. The moderator decided that the appeal was out of order, and stated as a reason for the decision, that there was no House to which the appeal could be taken.

The Court is of the opinion that the decision of the moderator was correct, for the reason given by him. It is a rule of the Assembly that no persons shall be permitted to vote unless they are enrolled, and until the report of the committee on commissions it cannot be judically known who are members of the house, and as such, privileged to take part in the organization. If, however, there was a majority for it, arising from the absence of the moderator or the refusal of the clerks to report the roll, there would be no difficulty in organizing the Assembly. The decision of the moderator was correct, if the reason assigned was the true reason.

After this disposition of Dr. Patton's motion, the clerks made a report, omitting, improperly, as has been before stated, the names of the commissioners from the exscinded presbyteries, and the moderator announced to those who had not presented their commissions, that now was the time to present them, and have themselves enrolled. Some of the witnesses say that the moderator announced that, if there were any

names *omitted,* this was the time to present their commissions. The one side say that this was a distinct intimation from the moderator himself that now was the time to present the commissions of the commissioners from the exscinded presbyteries. The other say it included those only who had *not* presented their commissions to the clerks. That the only course to be pursued as to those who had presented their commissions and had their claim to be enrolled, refused, was to have their case referred to the committee on elections, on whose report only it would come properly before the Assembly.

However the fact may be, and this of course you will decide, at this time Dr. Mason, a member whose seat was uncontested, and who had been reported by the clerks to the house as a member, moved that the names of the commissioners from the exscinded synods should be added to the roll. He had the commissions in his hand, and at the time of the motion, stated that they were the commissions of commissioners, which had been rejected by the clerks. The moderator inquired from what presbyteries those commissioners came. Dr. Mason replied, they came from the Synods of Utica, Geneva, Genesee and the Western Reserve. The moderator declared Dr. Mason *out o order,* or said that he was out of order at that time. The witnesses differ as to the precise expression, but whatever may have been the reason assigned, they all concur that the moderator declared Dr. Mason out of order. Dr. Mason said, that with great respect for the chair, he must appeal from the decision. The appeal was seconded. The moderator refused to put the appeal, declaring the *appeal* to be out of order.

In this stage of the cause it is unnecessary to decide whether the original motion was or was not out of order. I shall put this part of the case on the refusal of the moderator to put the question on the appeal. The question is not whether an appeal may not be out of order, but it is whether this appeal was out of order. If the moderator had put the question on the appeal, it is possible the house might have decided that the original motion was out of order. They might have thought that the matter was properly referable to the committee of elections—that it was a privileged question ; or the Assembly might by possibility have taken a different view of the question. And whatever they might have thought and decided, would have been conclusive.

But by refusing to put the question, the moderator took all the power to himself over this question. No reason was given by the moderator. It rested simply upon *his will.* In the opinion of the Court, it was a dereliction of duty—a usurpation of authority, which

called for the censure of the house. He could not then allege, as he had done on a former occasion, that there was no house to which the appeal could be taken. At that time, you will recollect, that the clerks had made their report, and it was then ascertained what members had a right to vote.

Had the question on the appeal been allowed, it could then have been ascertained whether a motion had been made for the appointment of the committee on elections. As it is, it is doubtful whether the motion was made before or after the motion made by Dr. Mason.

And here, let me remark, that I look upon the refusal of the clerks to put the names of the commissioners on the roll, and this refusal of the moderator to put the question on an appeal to the house, as most unfortunate.

If the excitement did not *then* commence, yet it, with the uproar and confusion which ensued, from this time greatly increased. After the refusal of the moderator to allow an appeal, the Rev. Miles P. Squier arose and said that he had presented his commission to the clerks, which they had refused to receive. The moderator asked from what presbytery he came. He said from the presbytery of Geneva. The moderator asked if it was within the bounds of the Synod of Geneva. He said it was. The moderator then replied, *we do not know you.* The precise meaning and import of these words has been the subject of comment. It will be for you to give them such weight as you think them entitled to, in another part of this cause.

And here let me remark that the witness had not a right, (whatever injustice he may have suffered,) either to speak or vote on any question before the house. He had not been reported as a member by the clerks; and the rules of the General Assembly required, that before a member speak or vote he must be enrolled.

To this time the witnesses substantially agree in their statement. There was but little noise, and but little confusion. Every person saw, and every person heard, all the transactions in the Assembly.

And here, gentlemen, it will be your solemn duty, respectfully, but firmly, to decide upon the conduct of the moderator.

Was he performing his duty as the presiding officer of the house in its organization? or was he carrying out the unconstitutional and void proceedings of the General Assembly of 1837, which cut off from the body of the Presbyterian Church, 4 synods, 28 presbyteries, 509 ministers, and near 60,000 communicants without citation and without trial?

I put the question to you because it is the opinion of the Court,

that the General Assembly has a right to depose their moderator, upon sufficient cause.

This power is necessary for the protection of the house, otherwise the moderator, instead of being the *servant*, would be the *master* of the house. There is nothing in the constitution of the church that restricts or impairs the right.

It applies to all moderators, whether moderators for the session, or moderators for organization. The right is, perhaps, less questionable in the latter, than in the former case. He is a ministerial as well as a judicial officer.

Nor do I think that they are restrained in their choice to a moderator of a former year, who may be present. The rule applies only to ordinary cases, when the moderator of the last year is not in attendance, or is unable, from some physical reason, to discharge the duties of the office. It does not apply to the peculiar and extraordinary circumstances of this case.

The deposition of a moderator, and the election of another in his place, it appears, is not without precedent in the history of the church.

There is one thing certain, that the deposition of a moderator, and the election of another, if in other respects regular, will not of itself vitiate the organization.

After Mr. Squier had taken his seat upon the emphatic declaration of the moderator, "we do not know you," Mr. Cleaveland arose. Mr. Cleaveland held in his hand a paper, from which he read, at the same time accompanying it with remarks not on the paper. It is not distinctly in evidence what he did say, but in substance it was perhaps this:

That as the commissioners to the General Assembly of 1838, from a large number of presbyteries, had been refused their seats, and as we have been advised by counsel learned in the law, that a constitutional organization of the Assembly must be secured at this time and in this place, he trusted it would not be considered as an act of discourtesy, but merely a matter of necessity, if we now proceed to organize the General Assembly of 1838, in the fewest words, the shortest time, and with the least interruption practicable.

Mr. Cleaveland then moved that Dr. Beman, of the Presbytery of Troy, be moderator, or, as some of the witnesses say, that he take the chair. The motion being seconded, the question was put by Mr. Cleaveland, and was carried, as the witnesses for the relators say, by a large majority, and by this they mean that a large majority of voices voted in the affirmative. The question was reversed, and, as the same witnesses say, there were some voices coming from the south-west cor-

ner of the church, who voted in the negative. This is denied by the respondents.

Dr. Beman, who was sitting in a pew, the locality of which has been described to you, stepped into the aisle and called the house to order. A motion was then made that Dr. Mason and Mr. Gilbert be appointed clerks. There being no others put in nomination, the question was put by the moderator, Dr. Beman, in the affirmative and negative, and there was a majority of voices in their favor.

Dr. Beman then stated, that the next business in order was the election of a moderator. A member nominated Dr. Fisher, and no other person being in nomination, the question was put affirmatively and negatively, and Dr. Fisher was elected by a large majority of voices. There were no negative votes on this nomination; several of the witnesses say he was unanimously elected.

Dr. Beman then announced the election of Dr. Fisher as moderator, and said, he should govern himself by the rules which might be hereafter adopted.

Dr. Fisher stepped into the aisle, moved towards the north end of the church, and called for business; and Dr. Mason and Mr. Gilbert were chosen clerks, no others being put in nomination.

Dr. Beman stated that some difficulties had been made by the trustees about the occupation of the church in which they were then sitting. To avoid difficulty, a motion was made to adjourn, to meet forthwith at the lecture-room in the First Presbyterian Church. The question was taken on the motion, and was decided in the affirmative, there being no votes in the negative. The result of this vote was announced by Dr. Fisher, who then stated, that if there were any commissioners who had not presented their commissions, they might then and there attend for that purpose. The members of the house then repaired to the lecture-room of the First Presbyterian Church, proceeded with their business, and on the 24th of May, 1838, elected the relators trustees, in the place and stead of the respondents.

This is the relators' case, and here I will direct your attention to some of the points which have been raised by the respondents' counsel.

The respondents contend that Mr. Cleaveland had no right to put the question. They object, also, to the time and manner of putting the question. Under one or other of these points I will endeavor to include the question which has been raised, and which has been argued with such force and with such a variety of illustrations.

Had Mr. Cleaveland a right to put this question? It must be conceded, that unless he was authorized to take the sense of the house, the members were not bound to vote upon it. In ordinary cases, it

is usual for a member who moves a question to put it in writing, and deliver it to the speaker, who, when it has been seconded, proposes it to the house, and the house are then said to be in possession of the question. But this, the relators say, is not an *ordinary* question, but one of a peculiar nature. They allege, that the moderator had shown gross partiality and injustice in the chair; that he was engaged in a plan or scheme to carry out the unconstitutional and void acts of 1837, which deprived certain commissioners of their seats; that this authorized the house to displace him, and to elect another to discharge the duties which he failed or was unwilling to perform. If this were so, of which you are the judges, Mr. Cleaveland had a right to take the sense of the house on the propriety of the moderator's conduct. It would be worse than useless to require him to put the question on his own deposition, for this the house were authorized to believe he would refuse to perform, as he had failed in the performance of his duty before. The law compels no person to do a vain or nugatory thing. The law maxim is, "*Lex neminem cogit ad vana, seu impossibilia.*" Nor, gentlemen, was it necessary that it should be taken by clerks, if they, as well as the moderator, were engaged in the same plan, to deprive members of seats to which they were justly and constitutionally entitled. It is the opinion of the Court, that a member, although not an officer, is entitled to put a question to the honse in such circumstances.

The motion which Mr. Cleaveland made, after explaining his object, was either that Dr. Beman be moderator, or that Dr. Beman be called to the chair. It is of no consequence in which form the motion was made. They are substantially the same. The motion amounted to this: that Dr. Elliott, who occupied the chair, should be deposed, and that Dr. Beman should be elected chairman and moderator in his stead. It was a pertinent question, easily understood, and not calculated to mislead the dullest member of the Assembly. It was in proper form and in proper time: for, gentlemen, it was not necessary to precede it by a motion that the house should now proceed to the choice of a moderator. All these requisites are substantially comprised in the motion which was made. There was nothing in the question, or in the manner of putting it, which was disorderly, or which should have led to disorder. Mr. Cleaveland put the question to the house, which, under certain circumstances, of which I have already said you are the judges, he had a right to do. In the course of his remarks, he turned himself partly round from the moderator; but this, so far as any point of law is involved, is of no sort of consequence. It is also contended by the respondents, that the claim of members to seats, according to

the standing order of the house, was referable to the committee on elections, and further that the house cannot enter into business until the organization is complete. The latter point the Court answers in the negative. There is no doubt the house may elect a moderator, although the seats of some of the members are contested. In general, they would prefer to await the report of the committee on elections; but this would be a matter of discretion. The right to seats would be as well, if not better decided, after the house was organized by the election of a moderator, as when it was in its inchoate or incipient state. Such an objection would not vitiate the organization, whatever cause there might be on the part of those who had been deprived of seats, to complain of the precipitation of the Assembly in proceeding to business, particularly if done with a view of preventing them from partaking in the business.

In deciding on the first point, and others which have been raised by the respondents, it is necessary to advert to the nature of the questions themselves.

Dr. Mason moved that the names of certain members who had been unconstitutionally and unjustly deprived of seats in the Assembly, should be added to the roll. The motion of Mr. Cleaveland, and the subsequent resolutions or motions, were the consequences of the decision of the moderator, that Dr. Mason's motion was out of order, and the refusal of the moderator to allow an appeal to the house. The right of members was unjustly invaded, and from this moment it became a question of privilege, which overrides all other questions whatever. A question of privilege is always in order, to which privileged questions, such as the appointment of a committee of elections, must give way. The cry, therefore, of "order," from the moderator, or from any member whatever, under such circumstances, would be disorderly. Two inconsistent rights cannot exist at the same time, and it is obvious that if a member, or the moderator, may put a stop to a proceeding which involves in it the conduct of the moderator himself in the discharge of his high functions, and a question of privilege, by the cry of order, it would be an easy and effectual mode of destroying the rights of members in any deliberative assembly. It is usual, when it is intended to prevent a member from proceeding with a motion, to rise to order, and a requisition is then made by the moderator that the member take his seat. It is the opinion of the Court, that Dr. Mason had the right to make his motion before the appointment of the committee on elections. Indeed, I know of no other mode of getting this question before the committee on elections, except by bringing it before the

house, who might either decide it themselves, or, if they thought proper, refer it to that committee, in whose report it would again come before the house. In this point, I wish you distinctly to understand, that it is the opinion of the Court, and that I so instruct you, that if you believe that the conduct of the moderator and clerks was the result of a preconcerted plan with a portion of the members to carry out the unconstitutional and void acts of 1837, which deprived the members from certain presbyteries of seats in the Assembly, then, in this particular, the requisitions of the law have been substantially complied with.

That the fact that Mr. Cleaveland put the question instead of the moderator, the cries of order when this was in progress, the omission of some of the formula usually observed, when there is no contest and no excitement, such as standing in the aisle, instead of taking the chair occupied by the moderator, not using the usual insignia of office, putting the question in an unusual place, and the short time consumed in the organization of the house, and three or more members standing at the same time, will not vitiate the organization, if you should be of the opinion that this became necessary, from the illegal and improper conduct of the adverse party.

It is a singular point, gentlemen, that this part of the respondents' case rests upon standing rules which were not then in existence. You will recollect, that each Assembly adopted its own rules; indeed both the relators and respondents have appealed to these rules. I will remark, that the roll of members reported by Mr. Krebs and Dr. M'Dowell, was the roll of the house. As such, it was virtually in the possession of the clerks afterwards chosen, provided they were regularly and duly elected. It is the opinion of the court, that the existence of a house competent to perform all the functions of a General Assembly, does not depend on the observance or non-observance of the standing order of the house. You, however, must take this opinion with the qualification, that you believe that the house had been substantially organized for the transaction of business; that you should believe that the deviation from the accustomed course, was the necessary result of a preconcerted plan, unconstitutionally to exclude the members from the exscinded presbyteries from their seats in the Assembly. And here, gentlemen, let me request your particular attention to the point in issue. The relators say, that they are trustees regularly appointed by the General Assembly of the Presbyterian Church. In other words, they affirm that the house which assembled in the lecture-room of the First Presbyterian Church, was the General

Assembly of the Presbyterian Church. This is an affirmative proposition, which the relators are bound to support.

The question is not, which is the General Assembly, but whether they are the General Assembly, and as such had a right to elect the relators trustees. This allegation the relators must sustain to your satisfaction, otherwise your verdict must be in favor of the respondents.

The respondents strenuously deny that the portion of brethren who assssembled in the First Presbyterian Church, are the General Assembly. On this point, both parties, the relators and respondents, have put themselves upon the country—and you, gentlemen, are that country.

Let me now briefly call your attention to the relators' case. The moderator, Dr. Elliott, proceeded to organize the house. The clerks, Mr. Krebs and Dr. M'Dowell, reported to the house the roll of members, omitting those who were not entitled to seats. Dr. Patton offered a resolution on the formation of the roll. This motion was declared by the moderator to be out of order, also his appeal was declared to be out of order. Dr. Mason then moved that the names of the members from the Presbyteries within the exscinded Synods should be added to the roll. This motion was declared by the moderator to be out of order. An appeal from that decision was demanded, which was also declared to be out of order. On motion of Mr. Cleaveland, the former moderator was deposed for sufficient cause, and Dr. Beman was elected moderator, and Mr. Gilbert and Dr. Mason were elected clerks. After organization, Dr. Fisher was elected moderator, and Mr. Gilbert and Dr. Mason elected clerks for the Assembly. The Assembly being thus organized by the appointment of officers, adjourned to meet forthwith at the lecture-room of the First Presbyterian Church, and accordingly met in pursuance of the adjournment, and on the 24th of May, 1838, in due form, elected the relators trustees. This, gentlemen, is a summary of the plaintiffs' case; and if the facts are as stated, your verdict should be rendered in favor of the relators.

The respondents deny that the portion of brethren who assembled in the First Presbyterian Church are the General Assembly.

Their objection, in addition to the points which have been already stated, is, that there was not a full and free expression of the opinion of the house.

They allege that the various motions for the appointment of moderator and clerks, and for the adjournment, were not carried by a majority of the house.

It is hardly necessary to observe that spectators had no right to vote, nor had members not enrolled by the clerks, although entitled to seats, a right to vote. But notwithstanding this, it is the opinion of the Court, that if, after deducting those who voted and were not entitled to vote, there was a clear majority in favor of several motions, this irregularity, or if you please, something worse, would not vitiate the organization. The presumption is, that none but qualified persons voted; but there is proof that some voted who were not enrolled, yet this of itself will not destroy the relators' right of action. You, gentlemen, will in the first plaae, inquire whether there was a majority of affirmative voices of members entitled to a vote.

If there was not, there is an end of the question, and your verdict must be in favor of the respondents.

But if there was a majority, you will further inquire whether the question on the several motions was reversed.

If they were not reversed, your verdict must be in favor of the respondents; for in that case, it is very clear, the members had no opportunity of showing their dissent to several motions or propositions which were submitted to them.

These, gentlemen, are questions of fact for your decision. I will content myself with referring to the evidence and the arguments of the counsel, and at the same time observing to you that it is your duty to reconcile the testimony of your case, and with one other observation, that affirmative testimony is more to be relied on than negative testimony.

And here, gentlemen, I wish you distinctly to understand, that it is the majority of those who were entitled to vote, and who actually voted, that is to be counted on the various questions which were submitted to the house. I wish you also to understand, that it is the majority of members that had been enrolled, that must determine this question. When there is a quorum of members present, the moderator can only notice those who actually vote, and not those who do not choose to exercise their privilege of voting. "Whenever," says Lord Mansfield, "electors are present, and don't vote at all, they virtually acquiesce in the decision of those who do."

And with this principle, agrees one of the rules of the General Assembly itself, which must be familiar to every member.

"Members (30th rule,) ought not, without weighty reasons, to decline voting, as this practice might leave the decision of very interesting questions to a small proportion of the judicatory. Silent members, unless excused from voting, must be considered as acquiescing with the majority."

This is not only the doctrine of the common law, of the written law, as you have seen, but it is the doctrine of common sense; for without the benefit of this rule, it would be almost impossible, certainly very inconvenient, to transact business in a large deliberative assembly.

Of this rule, gentlemen, we have had very lately a most memorable instance. The fundamental principles of your government have been altered; a new constitution has been established by a plurality of votes; forty thousand electors, who deposited their votes for one or other of the candidates for governor, did not cast them at all on that most interesting and important of all questions. But notwithstanding this, the amended constitution has been proclaimed by your executive, and recognized by your legislature and by the people, as the supreme law of the land. This, gentlemen, has been stigmatized as a technical rule of law, a fiction and intendment in law. It is sufficient for us, gentlemen, that it *is* a rule of law. We must not be wiser than the law; for if we attempt this, we endanger everything we hold dear; our life, our liberty, our property.

Nor, gentlemen, can we know any thing of any fancied equity as contradistinguished from the law. The law is the equity of the case, and it must be so considered under the most awful responsibility, by this court and this jury. In my opinion, a court and jury can never be better employed than when they are vindicating the safe and salutary principles of the common law.

But the respondents further object that the design of the New School brethren was not to organize a General Assembly according to the forms prescribed by the constitution, but that they intended, and it was so understood by them, to effect an ex parte organization, with a view to a peaceable separation of the church. If this was the intention, and was so understood at the time, the house which assembled in the First Presbyterian Church, cannot be recognized as the General Assembly, competent to appoint trustees under the charter. Having chosen voluntarily to leave the church, they can no longer be permitted to participate in its advantages and privileges. If a member, or a number of individuals, choose to abandon their church, they must at the same time be content to relinquish all its benefits.

But this is a question of fact, which you must decide. In this part of the case, the burden of proof is thrown on the respondents. They must satisfy you that such was the intention of the New School party, in organizing the house, and adjourning to the First Presbyterian Church. But granting that the motion of Mr. Cleaveland was in or-

der, that Drs. Beman and Fisher, and the clerks had a majority of votes, that the intention was to organize the General Assembly, and that they did not intend an ex parte organization, the respondents say that such was the precipitation and haste of these proceedings, their extraordinary and novel character, the noise, tumult and confusion, that they and the other members of the house had no opportunity of hearing and voting, if they had wished to do so, and that therefore this is an attempt at organization, which is null and void.

It is very certain, that if individual members of a deliberative assembly, by trick and artifice, by surprise, noise, tumult and confusion, carry such a question as this, it ought not, it cannot be regarded. The members must have an opportunity to debate, to vote if they desire it, and for this reason it is, the negative question must be put, and that the several questions must be reversed.

It will be for you to say, whether the members had this opportunity. To this part of the case, I request your particular attention.

If you believe that the several motions were made and reversed, that they were carried by a majority of affirmative voices, whatever may be your opinion of the relative strength of the two parties in the Assembly, your verdict must be for the relators. I hold it to be a most clear proposition, that silent members acquiesce in the decision of the majority. It is of no sort of consequence for what reason they were silent; whether from a previous determination, or otherwise. The effect is the same, provided they had an opportunity of hearing and voting on the question. It is not necessary that all should hear or vote.

If persons who are members of an assembly, by surprise, by noise, or violence, carry such a question, such a vote cannot be considered as the deliberate sense of the assembly ; but when members are aware of the nature of the proceedings, and choose to treat them with contempt, or to interrupt the business themselves, by stamping, noise, talking, cries of order, or shame! shame! or requesting silence with a view to interruption, or attending to other business, when they ought to be attending to this, they cannot be permitted afterwards to allege that they had no opportunity to vote. They cannot take advantage of their own wrong, or their own folly. In such a case, their silence, or, if you choose, noise, shall be viewed as an acquiescence in the vote of the majority. But when members are prevented from hearing and understanding the question by the noise and confusion, or by the indecent haste with which the business is conducted, the organization is not such as can give it any legal validity. It is of no consequence whether the members are prevented from voting

understandingly on the question by the persons engaged in conducting the business, or by the spectators. But when it comes from the members of the other party, they shall not be permitted to object, when they themselves are the causes of the difficulty.

If facts be so, they (the members of the Old School,) did not hear, because they would not hear; they did not vote, because they would not vote. They caused the disorder, and let them reap the bitter fruits of their injustice. The court, and you, gentlemen of the jury, have nothing to do with consequences, with fancied majorities and minorities, but with majorities legally ascertained. We are placed at this bar under an awful responsibility to do justice, without regard to the numerical strength of the contending parties.

If you, gentlemen, believe that the questions were not reversed, that they were not carried, that the members of the Assembly had not an opportunity of hearing and voting upon them, your verdict should be in favor of the respondents. But if, on the other hand, you believe they intended to organize the Assembly; that the questions were severally put; that the noise, tumult and confusion which prevailed in the Assembly, were the result of a preconcerted plan, or combination, or conspiracy between the clerks, the moderator, and the members of the Old School party, to sustain the unconstitutional and void resolutions of 1837, which deprived members of seats to which they were justly entitled, your verdict should be in favor of the relators.

And here I do not wish to be understood as having expressed, or even intimated an opinion as to the facts of the case. The facts are for you, the law is for the Court.

And now, gentlemen, I entreat you, *as you shall answer to God at the great day,* that you discard from your minds all partiality, if any you have, fear, favor and affection; that you decide this interesting cause according to the evidence, and that you remember that the law is part of your evidence. The Court, and you, gentlemen, are placed at this bar under an AWFUL RESPONSIBILITY TO DO JUSTICE.

VERDICT.

The jury, after a short absence, returned into Court and rendered their verdict, which, as read to them, and ordered to be recorded, is, "THAT THEY FIND THE DEFENDANTS GUILTY."

Some question was made by counsel for the defendants, in regard to the *form* of the verdict, when it was announced from the bench, that the Chief Justice had prescribed this as the technical form of the verdict, (under the issue in this case,) if the jury should find that the relators were the trustees of General Assembly; that is, that the

Assembly which held its sittings in the First Presbyterian Church, was the true "General Assembly of the Presbyterian Church in the United States of America," under the charter.

[B.]

CHIEF JUSTICE GIBSON'S OPINION.

To extricate the question from the multifarious mass of irrelevant matter in which it is enclosed, we must, in the first place, ascertain the specific character of the General Assembly, and the relation it bears to the corporation which is the immediate subject of our cognizance. This Assembly has been called a *quasi* corporation; of which it has no feature. A *quasi* corporation has capacity to sue and be sued as an artificial person; which the Assembly has not. It is also established by law; which the Assembly is not. Neither is the Assembly a particular order or rank in the corporation, though the latter was created for its convenience; such, for instance, as the share-holders of a bank or joint-stock company, who are an integrant part of the body. It is a segregated association, which, though it is the reproductive organ of corporate succession, is not itself a member of the body; and in that respect it is anomalous. Having no corporate quality of itself, it is not a subject of our corrective jurisdiction, or of our scrutiny, farther than to ascertain how far its organic structure may bear on the question of its personal identity or individuality. By the charter of the corporation, of which it is the handmaid and nurse, it has a limited capacity to create vacancies in it, and an ulimited power over the form and manner of choice in filling them. It would be sufficient for the civil tribunals, therefore, that the assembled commissioners had constituted an actual body; and that it had made its appointment in its own way, without regard to its fairness in respect to its members: with this limitation, however, that it had the assent of the constitutional majority, of which the official act of authentication would be at least, *prima facie* evidence. It would be immaterial to the legality of the choice that the majority had expelled the minority, provided a majority of the whole body concurred in the choice. This may be safely predicated of an undivided Assembly, and it would be an unerring test in the case of a di-

vision could a quorum not be constituted of less than such a majority; but unfortunately, a quorum of the General Assembly may be constituted of a very small minority, so that two, or even more, distinct parts may have all the external organs of legitimate existence. Hence, where, as in this instance, the members have formed themselves into separate bodies, numerically sufficient for corporate capacity and organic action, it becomes necessary to ascertain how far either of them was formed in obedience to the conventional law of the association, which, for that purpose only, is to be treated as a rule of civil obligation.

The division which, for purposes of designation, it is convenient to call the Old School party, was certainly organized in obedience to the established order; and, to legitimate the separate organization of its rival, in contravention, as it certainly was of every thing like precedent, would require the presentation of a very urgent emergency. At the stated time and place for the opening of the session, the parties assembled without any ostensible division; and, when the organization of the whole had proceeded to a certain point, by the instrumentality of the moderator of the preceding session, who, for that purpose, was the constitutional organ, a provisional moderator was suddenly chosen [on the motion of an individual who had not been reported or enrolled as a member, and by a minority of those who actually voted, including several who were in the same predicament with the mover*] by a minority of those who could be entitled to vote, including the exscinded commissioners. The question on the motion to elect, was put, not by the chair, but by the mover himself; after which, the seceding party elected a permanent moderator, and immediately withdrew, leaving the other party to finish its process of organization, by the choice of its moderator for the session.

In justification of this apparent irregularity, it is urged that the constitutional moderator had refused an appeal to the commissioners in attendance, from his decision, which had excluded from the roll, the names of certain commissioners who had been unconstitutionally severed, as it is alleged, from the Presbyterian connexion by a vote of the preceding session. It is conceded by the argument, that if the synods with the dependent presbyteries by which those commissioners were sent, had been constitutionally dissolved, the motion [made by an exscinded member†] was one which the moderator was not bound to put, or the commissioners to notice; and that whatever im-

* What follows, of this sentence, substituted in the *published* opinion, for the portion in brackets.

† Omitted in the published opinion.

plication of assent to the decision which ensued, might otherwise be deduced from the silence of those who refused to speak out, about which it will be necessary to say something in the sequel, there was no room for any such implication in the particular instance. It would follow also, that there was no pretence for the deposal of the moderator, if indeed such a thing could be legitimated by any circumstances, for refusing an appeal from his exclusion of those who had no color of title, and, consequently, that what else might be reform, would be revolution. And this leads to an inquiry into the constitutionality of the act of excision.

The sentence of excision, as it has been called, was nothing else than an ordinance of dissolution. It bore that the synods in question, having been formed and attached to the body of the Presbyterian Church under, and in execution of, the Plan of Union, "be, and are hereby declared to be, out of the ecclesiastical connexion of the Presbyterian Church in the United States of America; and that they are not in form or in fact, an integral portion of said church." Now it will not be said that if the dissolved synods had no other basis than the Plan of Union, they did not necessarily fall along with it, and it is not pretended that the Assembly was incompetent to repeal the union prospectively, but it is contended that the repeal could not impair rights of membership which had grown up under it. On the other hand, it is contended that the Plan of Union was unconstitutional and void from the beginning, because it was not submitted to the presbyteries for their sanction; and that no right of membership could spring from it. But viewed, not as a constitutional regulation, which implies permanency of duration, but as a temporary expedient, it acquired the force of a law without the ratification of those bodies. It was evidently not intended to be permanent, and it consequently was constitutionally enacted and constitutionally repealed by an ordinary act of legislation; and those synods which had their root in it, could not be expected to survive it. There never was a design to attempt an amalgamation of ecclesiastical principles which are as immiscible as water and oil; much less to effect a commixture of them only at particular geographical points. Such an attempt would have compromised a principle at the very root of Presbyterian government, which requires that the officers of the church be set apart by special ordination for the work. Now the character of the plan is palpable, not only in its title and provisions, but in the minute of its introduction into the Assembly. We find in the proceedings of 1801, page 256, that a committee was raised "to consider and digest a plan of government for the churches in the *new settlements* agreeably

to the proposal of the General Association of Connecticut;" and that the plan adopted in conformity to its report, is called "a Plan of Union for the new settlements." The avowed object of it was to prevent alienation; in other words, the affiliation of Presbyterians in other churches, by suffering those who were yet too few and too poor for the maintenance of a minister, temporarily to call to their assistance the members of a sect who differed from them in principles, not of faith, but of ecclesiastical government. To that end, Presbyterian ministers were suffered to preach to Congregational Churches, while Presbyterian Churches were suffered to settle Congregational ministers; and mixed congregations were allowed to settle a Presbyterian or a Congregational minister at their election, but under a plan of government and discipline adapted to the circumstances. Surely this was not intended to outlast the inability of the respective sects to provide separately for themselves, or to perpetuate the innovations on Presbyterial government which it was calculated to produce. It was obviously a missionary arrangement from the first; and they who built up presbyteries and synods on the basis of it, had no reason to expect that their structures would survive it, or that Congregationalists might, by force of it, gain a foothold in the Presbyterian Church, despite of Presbyterial discipline. They embraced it with all its defeasible properties plainly put before them; and the power which constituted it, might fairly repeal it, and dissolve the bodies that had grown out of it, whenever the good of the church should seem to require it.

Could the synods, however, be dissolved by a legislative act? I know not how they could have been legitimately dissolved, by any other. The Assembly is a homogeneous body, uniting in itself, without separation of parts, the legislative, executive and judicial functions of the government; and its acts are referable to the one or the other of them, according to the capacity in which it sat when they were performed. Now, had the exscinded synods been cut off by a judicial sentence, without hearing or notice, the act would have been contrary to the cardinal principles of natural justice, and consequently void. But, though it was at first resolved to proceed judicially, the measure was abandoned; probably because it came to be perceived that the synods had committed no offence.

A glance at the Plan of Union, is enough to convince us that the disorder had come in with the sanction of the Assembly itself. The first article directed *missionaries*, (the word is significant,) to the new settlements, to promote a good understanding betwixt the kindred sects. The second and third permitted a Presbyterian con-

gregation to settle a Congregational minister, or a Presbyterian minister to be settled by a Congregational church! but these provided for no recognition of the people in charge as a part of the Presbyterian body; at least they gave them no representation in its government. But the fourth allowed a mixed congregation to settle a minister of either denomination; and it committed the government of it to a standing committee, but with a right to appeal to the body of male communicants, if the appellant were a Congregationalist, or to the presbytery if he were a Presbyterian. Now it is evident the Assembly designed that every such congregation should belong to a presbytery, as an integrant part of it; for if its minister were a Congregationalist, in no way connected with the Presbyterian Church, it would be impossible to refer the appellate jurisdiction to any presbytery in particular. This alone would show, that it was designed to place such a congregation in ecclesiastical connexion with the presbytery of the district; but this is not all. It was expressly provided, in conclusion, that if the "said standing committee of any church, shall depute one of themselves to attend the presbytery, he may have the same right to sit and act in the presbytery as a ruling elder of the Presbyterian Church." For what purpose, if the congregation were not in Presbyterial fellowship?

It is said that this *jus representationis* was predicated of the appeal precedently mentioned; and that the exercise of it was to be restrained to the trial of it. The words, however, were predicated without restriction; and an implied limitation of their meaning, would impute to the Assembly the injustice of allowing a party to sit in his own cause, by introducing into the composition of the appellate court, a part of the subordinate one. That such an implication would be inconsistent with the temper displayed by the Assembly on other occasions, is proved by the order which it took as early as 1791, in the case of an appeal from the sentence of the Synod of Philadelphia, whose members it prevented from voting on the question, (Assembly's Digest, p. 332,) as well as by its general provision, that "members of a judicatory may not vote in the superior judicatory on a question of approving or disapproving their records." (Id. pp. 333.)

The principle has since become a rule of the constitution, as appears by the Book of Discipline, chap. vii. sec. 3, paragraph 12. As the representatives of those anomalous congregations, therefore, could not sit in judgment on their own controversies, it is pretty clear that it was intended they should be represented generally, else they would not be represented at all in the councils of the church, by those who might not be Presbyterians; and that to effect it, the principle of

Presbyterial ordination was to be relaxed, as regards both the ministry and eldership; and it is equally clear, that had the synods been cited to answer for the consequent relaxation as an offence, they might have triumphantly appeared at the bar of the Assembly with the Plan of Union in their hand. That body, however, resorted to the only constitutional remedy in its power; it fell back, so to speak, on its legislative jurisdiction, in the exercise of which, the synods were competently represented, and heard by their commissioners.

Now the apparent injustice of the measure arises from the contemplation of it as a judicial sentence pronounced against parties who were neither cited nor heard; which it evidently was not. Even as a legislative act, it may have been a hard one, though certainly constitutional, and strictly just. It was impossible to eradicate the disorder by any thing less than a dissolution of those bodies with whose existence its roots were so intertwined as to be inseparable from it, leaving their elements to form new and less heterogeneous combinations. Though deprived of Presbyterial organization, the Presbyterian parts were not excluded from the church, provision being made for them, by allowing them to attach themselves to the nearest presbytery.

It is said there is not sufficient evidence to establish the fact that the exscinded synods had actually been constituted on the Plan of Union, in order to have given the Assembly even legislative jurisdiction. The testimony of the Rev. Mr. Squier, however, shows that in some of the three which were within the State of New York, congregations were sometimes constituted without elders; and the Synod of the Western Reserve, when charged with delinquency on that head, instead of denying the fact, promptly pointed to the Plan of Union for its justification. But what matters it whether the fact were actually what the Assembly supposed it to be? If that body proceeded in good faith, the validity of its enactment cannot depend on the justness of its conclusion. We have, as already remarked, no authority to rejudge its judgments, on their merits; and this principle was asserted with conclusive force by the presiding judge who tried the cause. Upon an objection made to an inquiry into the composition of the Presbytery of Medina, it was ruled that "with the reasons for the proceedings of 1837, (the act of excision,) we have nothing to do. We are to determine only what was done: the reasons of those who did it are immaterial. If the acts complained of were within the jurisdiction of the Assembly, their decision must be final, though they decided wrong." This was predicated of judicial jurisdiction, but the principle is necessarily as applicable to jurisdic-

tion for purposes of legislation. I cite the passage, however, to show that after a successful resistance to the introduction of evidence of the fact, it lies not with the relators to allege the want of it.

If then the synods in question were constitutionally dissolved, the presbyteries of which they had been composed, were, at least, for purposes of representation, dissolved along with them; for no presbytery can be in connexion with the General Assembly, unless it be at the same time subordinate to a synod also in connexion with it, because an appeal from its judgment can reach the tribunal of the last resort only through that channel. It is immaterial that the presbyteries are the electors; a synod is a part of the machinery which is indispensable to the existence of every branch of the church. It appears, therefore, that the commissioners from the exscinded synods, were not entitled to seats in the Assembly, and that their names were properly excluded from the roll.

The inquiry might be rested here; for if there were no color of right in them, there was no color of right in the adversary proceedings which were founded on their exclusion. But even if their title were clear, the refusal of an appeal from the decision of the moderator, would be no ground for the degradation of the officer at the call of a minority; nor could it impose on the majority an obligation to vote on a question put unofficially, and out of the usual course. To all questions put by the established organ, it is the duty of every member to respond, or be counted with the greater number, because he is supposed to have assented beforehand to the result of the process pre-established to ascertain the general will; but the rule of implied assent is certainly inapplicable to a measure which, when justifiable even by extreme necessity, is essentially revolutionary, and based on no pre-established process of ascertainment whatever.

To apply it to an extreme case of inorganic action, as was done here, might work the degradation of any presiding officer in our legislative halls, by the motion and actual vote of a single member, sustained by the constructive votes of all the rest; and though such an enterprise may never be attempted, it shows the danger of resorting to a conventional rule, when the body is to be resolved into its original elements, and its rules and conventions to be superseded, by the very motion. For this reason, the choice of a moderator to supplant the officer in the chair, even if he were removable at the pleasure of the commissioners, would seem to have been unconstitutional.

But he was not removable by them, because he had not derived his office from them; nor was he answerable to them for the use of his power. He was not *their* moderator. He was the mechanical in-

strument of their organization; and till that was accomplished, they were subject to his rule—not he to theirs. They were chosen by the authority of his mandate, and with the power of self-organization, only in the event of his absence at the opening of the session. Corporally present, but refusing to perform his function, he might be deemed constructively absent, for constitutional purposes, insomuch that the commissioners might proceed to the choice of a substitute without him; but not if he had entered on the performance of his task; and the reason is that the decision of such questions as were prematurely pressed here, is proper for the decision of the body when prepared for organic action, which it cannot be before it is fully constituted and under the presidency of its own moderator; the moderator of the preceding session being *functus officio*. There can be no occasion for its action sooner; for though the commissioners are necessarily called upon to vote for their moderator, their action is not organic, but individual. Dr. Mason's motion and appeal, though the clerks had reported the roll, were premature; for though it is declared in the twelfth chapter of the Form of Government, that no commissioner shall deliberate or vote before his name shall have been enrolled, it follows not that the capacity, consummated by enrollment, was expected to be exercised during any part of the process of organization, but the choice of a moderator; and moreover, the provision may have been intended for the case of a commissioner appearing for the first time, when the house was constituted.

Many instances may doubtless be found among the minutes, of motions entertained previously, for our public bodies, whether legislative or judical, secular or ecclesiastical, are too prone to forget the golden precept—"Let all things be done decently and in order." But these are merely instances of irregularity which have passed *sub silentio*, and which cannot change a rule of positive enactment. It seems, then, that an appeal from the decision of the moderator did not lie; and that he incurred no penalty by the disallowance of it. The title of the exscinded commissioners could be determined only by the action of the house, which could not be had before its organization was complete; and, in the mean time, he was bound, as the executive instrument of the preceding Assembly, to put its ordinance into execution: for to the actual Assembly, and not to the moderator of the preceding one, it belonged to repeal it.

It would be decisive, however, that the motion, as it was proposed, purported not to be in fact a question of degradation for the disallowance of an appeal, but one of new and independent organization. It was ostensibly, as well as actually, a measure of transcendental

power, whose purpose was to treat the ordinance of the preceding Assembly as a nullity, and its moderator as a nonentity. It had been prepared for the event avowedly before the meeting. The witnesses concur that it was propounded as a measure of original organization transcending the customary order; and not as a recourse to the *ultima ratio* for a specific violation of it. The ground of the motion, as it was opened by the mover, was not the disallowance of an appeal, which alone could afford a pretext of forfeiture, but the fact of exclusion. To affect silent members with an implication of assent, however, the ground of the motion and nature of the question must be so explicitly put before them as to prevent misconception or mistake; and the remarks that heralded the question in this instance, pointed at, not a removal of the presiding incumbent, but a separate organization to be accomplished with the least practicable interruption of the business in hand; and if they indicated anything else, they were deceptive. The measure was proposed not as that of the body, but as the measure of a party; and the cause assigned for not having proposed it elsewhere, was that individuals of the party had been instructed by counsel that the purpose of it could not be legally accomplished in any other place. No witness speaks of a motion to degrade; and the rapidity of the process by which the choice of a substitute, not a successor, was affected, left no space for reflection or debate. Now, before the passive commsssioners could be affected by acquiescence implied from their silence, it ought to have appeared that they were apprised of what was going on; but it appears that even an attentive ear witness was unable to understand what was done. The whole scene was one of unprecedented haste, insomuch that it is still a matter of doubt how the questions were put. Now, though these facts were fairly put to the jury, it is impossible not to see, that the verdict is, in this respect, manifestly against the current of the evidence.

Other corroborative views have been suggested; but it is difficult to compress a decision of the leading points in this case into the old fashioned limits of a judical opinion. The preceding observations, however, are deemed enough to show the grounds on which we hold that the Assembly which met in the First Presbyterian Church was not the legitimate successor of the Assembly of 1837; and that the defendants are not guilty of the usurpation with which they are charged.

Rule for a new trial made absolute.

From this opinion Judge Rogers dissented. His dissent is in these words, viz.

Judge Rogers.—After the patient and impartial investigation, by me, of this cause, at Nisi Prius, and in bank, I have nothing at this

time to add, except that my opinion remains unchanged on all the points ruled at the trial. This explanation is deemed requisite, in justice to myself, and because it has become necessary (in a case, in some respects, without precedent, and presenting some extraordinary features) to prevent misapprehension and misrepresentation.

[C.]

OPINION OF CHANCELLOR KENT ON THE ACTS OF EXCISION.

The proceedings of the General Assembly of the Presbyterian Church of the United States, held at Philadelphia in May last, have been submitted to me for my professional opinion, respecting the validity and effect of certain Resolutions of the Assembly, in which they abrogate the Plan of Union made in 1801 with the General Association of the State of Connecticut, and also declare that the Synods of the Western Reserve, and of Utica, Geneva and Genesee were no longer a part of the Presbyterian Church.

Without assuming to meddle with any questions exclusively ecclesiastical, or of a theological nature, I have not felt myself at liberty to withhold my opinion from the reverend gentlemen who have applied for it; so far, at least, as the proceedings alluded to may be considered as affecting rights that might, directly or indirectly, be discussed and protected in a court of justice.

The two points to be considered are,

1. The character and effect of the Plan of Union of 1801, and of its abrogation in 1837.

2. The cutting off the four Synods above mentioned from their connection with the Presbyterian Church.

(1.) It appears that in 1792 the Convention of the Committees of the General Assembly of the Presbyterian Church, and of the General Association of Connecticut, agreed to a Standing Committee of Correspondence for each body, to communicate with each other whatever might be mutually useful to the churches under their care; and to promote this plan of intercourse, delegates were to have a right to sit in each other's general meetings. The General Assembly of the Pres-

byterian Church and the General Association of Connecticut respectively, approved of this plan, and they further mutually agreed, in 1794, that delegates from the Assembly to the Association and from the Association to the Assembly should be received, not only to sit and consult in their respective bodies, but vote upon all questions to be determined by either house. Then followed the more formal and specific Plan of Union of 1801, adopted by the General Assembly of the Presbyterian Church and by the General Association of the State of Connecticut. This Plan of Union, or government for the mutual harmony and prosperity of the Presbyterian and Congregational churches in the new settlements, was agreed to and ratified equally by the General Assembly and the General Association, and was carried into operation with great success, and with the continued approbation of the Presbyteries and General Assembly of the Presbyterian Church, down to its final abrogation in 1837.

This solemn compact was doubtless made in good faith, and from worthy considerations, and for beneficial ends, and it was obligatory upon each body in point of conscience, if not in point of law. The contracting parties were competent to make it. The object was within the spirit of both ecclesiastical associations, for both had but one end, the propagation, growth and maintenance of the Gospel, as taught in their respective churches. The constitutions of these respective associations ought to be construed most liberally and benignly when such pious and useful purposes were intended to be promoted. I have no idea that we ought to apply the political doctrine of a strict, dry, technical construction to the constitutions of religious associations, and especially when all the parties unite in measures of transcendent interest, and calculated to promote the great object of all their associations, and meetings, and efforts; nor do I think that either of the contracting parties was at liberty to disavow and renounce the compact at pleasure, without the consent of the other, except in the case of some new occurrence that would render the further operation of the union useless, or destructive, or greatly injurious to the ends in view; nor even in that case, without first applying for such consent and stating the reasons of the application. If the case could be brought within the cognizance of a court of equity, (and I do not mean to say it cannot) it is not probable that the court would discharge the parties from their contract, unless upon these grounds.

The Plan of Union of 1801 was not submitted in due form to the respective presbyteries for their sanction. The General Assembly assumed the power and the right to agree to it absolutely and finally,

and it met with universal assent by all the subordinate councils of that church. There was no prohibitory clause in the Presbyterian constitution against such a proceeding by the General Assembly, and the reception of that Plan of Union by all the presbyteries, and by their delegates in all subsequent meetings of the General Assembly, bound all the members. It may be taken, I presume, for a fact, that every branch of the Presbyterian Church knew of that Plan of Union, and uniformly acquiesced in it, and acted upon it, whenever the occasion required it. Such general and uniform assent or acquiescence, when given understandingly and with full knowledge of the fact, is conclusive, and cannot be gainsayed. If a person in any transaction will not speak or object when he has a fair opportunity, but suffers the proceeding to go on, and acts to be done under his eye and under the impression of his assent, the law will hold him to that presumed assent. His conscience is bound by such an equitable estoppel. The axioms of law bearing on this point are founded in sound ethics, in solid wisdom, and in the approbation of ages—*Qui tacet, consentire videtur, Qui potest, et debet vetare, jubet.*

It is farther to be observed, that the constitution of the Presbyterian Church underwent subsequent revisals and amendments, and no objection was taken to the formation of the Plan of Union and the exercise of the power of the General Assembly. It is not easy to imagine the case of any measure or covenant which has been better sustained on the ground of authority, assent and ratification, for thirty-six years, by all parties concerned. Plans of union were successively formed by the General Assembly with other Christian denominations of analogous character, as, for instance, with the Congregational associations in Vermont, New Hampshire and Massachusetts, and with the Reformed Dutch and Scots churches. They were all liable to the same objection, and yet the General Assembly in their Resolution designate the Act of Union of 1801 "an unconstitutional act."

The objection that the General Association of the State of Connecticut had no power to enter into an agreement to regulate the churches "not within her limits," does not strike me as being of any force. The object of the Plan of Union was not local, and the Connecticut Association had a right to act with missionary views, and to make contracts to be executed beyond the limits of the territorial jurisdiction of their State. Every individual has that power. The contract in question was formed in reference to new settlements in the western parts of New York, Ohio, and the far West, and which were composed of inhabitants both of the Presbyterian and Congregational denomina-

tions, and which were equally objects of the paternal caré and solicitude of both the associations. The Connecticut Association assumed to act as agent for the infant churches and their distressed members in the West. The General Assembly treated with it in the character of a body assuming such agency, and through that agency they dealt with and recognized all the churches formed and organized upon the Plan of the Union. No persons, either as members of the Presbyterian or Congregational bodies, ever questioned the authority of the Connecticut Association to enter into the compact on their behalf. All parties, individually and collectively, acted knowingly on this subject, and none are now at liberty, on principles of law and equity, to deny the validity of acts founded on such agency. *Omnis ratihabites mandato æqui paratur. Qui non prohibet pro se intervenire, mandare creditur.* The courts of justice are constantly adopting and applying these maxims of law and of common sense to sustain the contracts of individuals, and prevent fraud and injustice. The General Assembly in 1801 must have known what was the Constitution and what were the powers of the General Association of Connecticut, and the want of authority to make the contract and to carry it into effect was either not perceived or not regarded, either at the time, or through the long subsequent period in which it was in active operation. They are estopped now from making such a denial. They dealt with the Connecticut Association as a competent body to be so dealt with, and the Connecticut Association have never set up a want of power on their part. There is no well-founded pretence for the objection, and if there had been in the first instance, yet good faith and mutual confidence could not be upheld in the dealings and intercourse of mankind, if the doctrine of estoppels did not apply, in conscience as well as in law, to bar such an objection, under all the circumstances, at this late day.

But I am by no means of the opinion that the Presbyterian churches were to be always bound by such agreements, when they are found to be ultimately injurious. The mode of relief has already been alluded to. The agreement may be rescinded by mutual assent, and that assent could not decently be withheld on due notice and kind and reasonable application by the dissatisfied party. This result would be almost inevitable when we consider that here are no stern and uncompromising civil rights and self-interests in the way, and that the whole object of the compact was Christian benovolence and the harmony and prosperity of the churches in the Western Districts. The terms of the proposition for abrogating the Union, brought forward in the General Assembly of 1835, were mild and just, and such as it would

have been well to have followed in 1837. If such an application should not be successful, I have no doubt that a peremptory renunciation of the Union for reasonable cause, would be justified even in the purview of a court of equity.

(2.) The second, and the still graver question, arises on the Resolution of the General Assembly to sever from the Presbyterian Church four Synods, consisting of the Synod of the Western Reserve, and the Synods of Oneida, Geneva and Genesee.

It appears to me to be a very clear proposition, that the abrogation of the Plan of Union of 1801 by the Resolution of the General Assembly in 1837, could not affect in any degree the rights and privileges of the churches, presbyteries and synods which had been formed, and organized, and governed, more or less, under the influence and operation of that compact. The Resolution could not have any retroactive operation. It could not either annul or impair acts rightfully done, in good faith, under its authority. This is a principle of universal jurisprudence. The churches formed in the western part of New York and in Ohio, and organized under the Plan of Union of 1801, are entitled to be recognized and protected by the General Assembly, in their present modified state, so long as they should choose to continue it, without any further approximation to the Presbyterian model.

There is still another insuperable objection to the precipitate act of rescinding the connection between the General Assembly and the synods above mentioned, inasmuch as charges were made against them seriously affecting the doctrine, discipline, and manners of the churches under their care, and those synods, presbyteries and churches had no due notice, by regular process, of the accusations, nor any opportunity to meet and answer them. This proceeding was contrary to all established principles of municipal justice, and would of itself, if there were no other objections, render the expulsion void, and leave the Synods, notwithstanding the Resolution, component parts of the Presbyterian Church in the United States, and entitled, of right, to their future representation in the General Assembly, equally as if no such Resolution had passed.

There is another objection to the expulsion of the Synods of Utica, Geneva and Genesee, which does not seem to have occurred to the General Assembly when they passed their Resolution, for they appear to have considered the expulsion as a necessary consequence of the abrogation of the Act of Union of 1801. Nothing could be more erroneous than this idea, even if the premises were true; for the repeal of a grant or the recall of a power, will not and cannot invalidate acts

done and rights acquired under it, provided the grant or power did not originate in fraud. Nor could any thing be more mischievous than the principle assumed in the Resolution, if carried out to its practical consequences. But it appears that the "mixed churches" in the three Synods in Western New York were not formed on the plan of the union of 1801, but essentially on that of 1808, and which received the sanction of the General Assembly in the same year. If this be the fact, (and it appears to be so from the documents before me) then the Resolution of 1837 was, upon any view of the subject, inoperative as to those Synods, and had no application to them.

These are, briefly, the reasons which have led me to the conclusion that the Resolution of the General Assembly "That the Synods of Utica, Geneva and Genesee, and of the Western Reserve, were out of the ecclesiastical connection of the Presbyterian Church," was irregular, illegal and void. It is not my intention, nor would it become me to speak otherwise than with great respect of the General Assembly of the Presbyterian Church of the United States, and I have not been inclined to indulge in any observations not absolutely necessary to the clear and precise expression of my opinion on the questions submitted. My wish is, and my advice would be, (if the advice of a mere private layman, unconnected with the church, could be of any value, and given without offence), that the next General Assembly, calmly, and in the spirit of conciliation, review their former proceedings, now so much complained of. In that case I think they would be led to retract their obnoxious resolutions, and seek a more conciliatory and suitable way to rid themselves of the future operation of the Plan of Union of 1801; and that they would also, and as of course, recognize the four excluded Synods as parts and parcel of their own Association, and endeavor by fraternal kindness and wisdom, to promote harmony, not only with those Synods, but among all the widespread members of their great and interesting national association. In my humble opinion, the reputation and welfare of the Presbyterian Church is deeply concerned in such a course.

JAMES KENT.

New York, September 8, 1837.

[D.]

OPINION OF GEORGE WOOD, ESQ.

My opinion has been requested upon the proceedings of the General Assembly of the Presbyterian Church at their late session, particularly the Resolutions passed by them abrogating the Plan of Union with Congregational churches, exscinding the Synod of the Western Reserve, and the three Synods of Utica, Genesee and Geneva, and dissolving the Third Presbytery of Philadelphia.

It may be proper to consider in the first place, how far and in what way the legality of those proceedings as they touch the interests of the parties concerned, may be inquired into before the judicial tribunals of the country. There are two modes in which the proceedings of inferior judicatories and institutions may be reviewed in courts of justice, viz: *First*, directly, by a direct review or appeal, certiorari mandamus, or some other process, in which the proceedings of the inferior judicatory may be either revised or affirmed in whole or in part. It is hardly necessary to state that such a jurisdiction or control over ecclesiastical institutions does not belong to the courts of this country.

The *second* mode is collateral, or incidental; and in this way courts of justice have sometimes occasion to inquire into the proceedings of our ecclesiastical tribunals. This, however, can only be done when such inquiries become necessary to settle questions of property or civil rights, and with a view to adjust and determine such controversies. It is in this point of view only that I shall examine this subject, and it is only in this point of view that it would be proper for me in my professional capacity to undertake to give an opinion on the case.

The first topic I propose to consider is the abrogation of the Plan of Union of 1801.

I do not think that this Plan of Union formed, or was the result of a compact between the General Assembly and the Association of Connecticut, so as to render it obligatory upon the General Assembly to carry into effect the measure, or to continue its operation any longer than they should deem proper. It was a measure originating with and belonging exclusively to the General Assembly.

It may be questioned whether the assent of the Association to the adoption by the Assembly of this Plan was necessary. The Congregationalists to be affected by this Plan were out of the jurisdiction of

that Association and beyond their control, but they no doubt felt themselves under a moral influence which rendered it a matter of delicacy and expediency on the part of the General Assembly to obtain the assent of that Association.

But supposing the assent of the Association to have been indispensable when it was given, they had nothing further to do with the Plan. It then became the measure of the General Assembly, to be dropped, or acted upon, or modified, as they should deem advisable.

In order to illustrate this case, let us suppose that the State of New Jersey should resolve to construct a canal, to be fed by the waters of the Hudson, at a point where that river is the common property of the two States, and New Jersey should apply for the assent of the Legislature of New York, as a precautionary measure, before she commenced the work. Whenever that consent should be given the work would then become exclusively a New Jersey measure. It could not be pretended that it was the offspring of a compact between the two States, so that New Jersey could be said to construct it under a compact, and to be bound to complete it and continue it in operation by virtue of such compact. She could, on the contrary, abandon the work whenever she should think proper to do so.

I see no ground for the supposition that this Plan of Union was in violation of the Constitution of the Church. It is true that the modes of proceeding in those churches partly Congregational are not the same as in the churches strictly Presbyterian, and which are referred to by that Constitution in prescribing the organization and discipline of churches. The Constitution provides for such churches alone; churches which form essential parts of the Presbyterian institutions.

I see nothing in the Constitution which prohibits a union with other denominations of Christians in a modified form. The usage of the General Assembly appears fully to recognize and sanction such unions. Thus by an arrangement between the Assembly and the Association of Connecticut, as early as 1794, the respective delegates from each body were empowered to sit and vote in the other upon all questions decided there. A similar arrangement in 1803 was made between the Assembly and the Convention of Congregationalists in Vermont. An arrangement of the same kind was formed in 1810 with the General Association of New Hampshire. In 1816 an alteration was made by which the New Hampshire Association was represented by one delegate only in the Assembly. A similar arrangement has been also made with the Association of Massachusetts. A union has been formed and long subsisting between the Assembly and the General Synod of the Reformed Dutch Church, by which delegates from the

latter were allowed to sit in the General Assembly and participate in their deliberations. A more intimate union has been formed between the Presbyterian and the Scotch churches; a union as close as that of the Congregationalist under the Plan of Union of 1801. The Scotch congregations still retaining in many respects their own peculiar discipline and modes of worship.

In 1808 a modified Plan of Union and correspondence between the Synod of Albany and the Northern Associate Presbytery and the Middle Association in the Western District, in the State of New York, was sanctioned by a resolution of the General Assembly. It cannot be pretended that Churches, Presbyteries, or Synods, formed under, or growing out of that plan, could have been exscinded by the General Assembly as a consequence resulting from the abrogation of the Plan of Union, inasmuch as that Plan of Union of 1808 is not abrogated, or in any way affected by any of the proceedings of that body.

An objection has been made that this Plan of Union of 1801 ought to have been submitted by the Assembly to the Presbyteries, for their inspection, before it was adopted. I see nothing in the constitution requiring such a course in the formation of these Unions; nor was such a course pursued in establishing the various unions and arrangements above stated: long-established usage must be considered as settling that question. An acquiescence in the Plan of Union of 1801 by every branch of the Presbyterian Church, accompanied by concurrent usages in similar cases, would be received by any court of justice as plenary evidence of its sanction and its validity. Such usage, so general and uniform, can only be accounted for on the supposition that there has been a predominating opinion pervading the members of that Church, that the constitution and fundamental principles of the Presbyterian Church did not interfere with the establishment of such Union, although established by the General Assembly alone.

This Plan of Union has been in operation for thirty-six years. During its continuance, in 1820 and 1821, a revised constitution was prepared, similar in its provisions, so far as they appertain to this subject, to the regulations in the old constitution in existence at the time this Union was formed. Nowithstanding all this, the Plan of Union continued in operation, and no one appears to have dreamed that it was unconstitutional. It is difficult to suppose that all the able and conscientious men who have been upon the watch to guard that constitution could have sunk into a profound sleep for six and thirty years.

Long-established usage has great effect in settling the powers, privileges, and duties of bodies and institutions, and in raising the presumption of the assent to measures, by the different members whose

assent or sanction may be necessary. 12 Wheaton's R. 79; 3 Mason, 506; 12 Sergeant & Rawle, 256.

I am therefore of opinion that this Plan of Union of 1801 was not prohibited by the constitution of this church. That its adoption by the General Assembly alone was in order, and sanctioned by general usage—that it was not a compact, but a measure originating in the Presbyterian Church, and which that Church was at liberty to abrogate whenever it should be deemed politic and expedient to do so. I am of opinion, however, that it was a transaction of a high moral character, upon which churches did act, and form a connection with the Presbyterian Church; and, as such, it ought not to be lightly regarded.

I do not think, however, that this abrogation had the effect to destroy the connection of particular congregations which had been antecedently attached to the various Presbyteries. The resolution is evidently prospective in its character. Such resolutions would not be construed to operate retrospectively, unless the intention to give them that effect should be clear and decisive. A resolution intended to retroact upon churches attached under the Plan ought not to be passed without notice or hearing. The General Assembly in 1835 had correct views of this subject when they declared that the annulling of the Plan of Union should not, in any way, interfere with the existence and lawful operation of churches already formed on this Plan.

The next subject to be considered is the resolution exscinding the Synod of the Western Reserve.

The power to cut off Synods is not given to the General Assembly in the Constitution, either expressly or by fair implication. The power of "bearing testimony against error in doctrine, or immorality in practice, in any Church, Presbytery, or Synod;" "of suppressing schismatical contentions and disputations; and in general of recommending and attempting reformation of manners," &c., is too vague and equivocal to confer a power so important and highly condemnatory. It might as well be pretended that the power in the Federal Constitution "to pass laws, &c., to provide for common defence and the general welfare," conferred upon Congress the power of exscinding States. If they possess the power, they must derive it from the great fundamental principles of government and discipline prevailing in that Church, or from general and established usage. Admitting, for the sake of argument, they possess the power, the condemnation of bodies of men involving the innocent with the guilty is an exercise of power which should be indulged in with great caution and delicacy.

Supposing the power to exist, I do not think it was duly exercised in the present case. The body to be tried and condemned should have been duly summoned. It ought to have received a reasonable notice, and had an opportunity to be heard in defence. A condemnation ex parte, without reasonable notice, without an opportunity of being heard in defence, is as repugnant to the principles and practice of our law as it is to the dictates of natural justice. A reasonable notice of the accusation, with an opportunity of being heard in defence, is an essential element in the administration of all justice. Hence the proceedings of all judicatories condemning individuals, or adopting measures affecting their rights without reasonable notice, are treated as inoperative and void.—11 Modern R., 225; 4 Connecticut R., 386; 4 Burrows, 2682; 4 Barnwell & Cresard, 442; 7 Connecticut R., 219; 2 Strange, 1051.

This great and vital principle, so essential to preserve the liberty of the citizen, does not appear to have been lost sight of in this church, in adopting their rules of practice. In the Digest, page 323, section 5, it is thus laid down:—

"It was resolved, as the sense of this house, that no man, or body of men, agreeably to the constitution of this church, ought to be condemned or censured without having notice of the accusation against him or them, and notice given for trial."—Vol. i. p. 77, 1793.

I perceive that it is alleged, in justification of this proceeding, that the exscinding of the Synod was a necessary consequence of abrogating the Plan of Union, inasmuch as this Synod was composed in part of churches formed under that plan, and churches which, though strictly Presbyterian in their character, were origially Congregational, and brought in under that plan. I can see no possible objection to the latter description of churches. The fact that they may have been antecedently Congregational can, I think, furnish no good ground for cutting them off from their religious connection in any church acting upon the liberal and tolerant principles of the Christian religion whose object it is to promote the diffusion of piety, and to bring within its influence all classes and conditions of men. If a congregation at present Presbyterian, were composed of members originally infidels, that circumstance would not furnish a reason for cutting them off from their ecclesiastical connection.

The exscinding of these Synods, supposing it to be an invalid act, will not, I think, have the effect of cutting off these Congregational churches. If they had passed a resolution exscinding a number of churches, individually including these, and the resolution had been good as respects these, but inoperative as to the others, it would have

had the effect to exscind these Congregational churches. But a Synod is a body separate and distinct from the churches, and differently organized. If the blow aimed at the Synod fails, it fails altogether.

I cannot consider this proceeding as merely declaratory. This Synod, as well as the others, appears from the Minutes of the General Assembly to have been a regularly organized branch of the Presbyterian Church. But suppose there had been grounds of objection to this Synod, both as to its original formation and its subsequent conduct and doctrines. It was a Synod, *in fact*, in possession of all the privileges of a Synod, and such possession and enjoyment long recognized and acquiesced in by all the members of the church. To strip it at once of all these privileges is a proceeding in its nature condemnatory, and ought not to be had without due consideration, and giving to the party an opportunity for hearing and defence.

The Assembly in the next place proceeded to exscind the Synods of Utica, Geneva, and Genesee. This measure appears to me to be subject to precisely the same objections, and involved in the same difficulties as the one last considered. An additional reason is stated in the resolution, at least as an inducement, if not as the foundation of the proceedings, which is, that there were rumors of gross disorder prevalent in those Synods. The charge is vague, without any specification of the disorders, and rests, or rather floats upon the most uncertain and unsatisfactory of all evidence—common fame. This circumstance, instead of strengthening this proceeding, furnishes, I think, an additional objection to it. Under the Constitution rumor is the basis of accusation, but it must be followed by citation and hearing. To condemn large bodies of men, by wholesale, upon a general charge of disorders, without specification, based upon the suspicious evidence of common fame, without citation or defence, is an additional instance to prove that large assemblies, as well in church as state, will, under the influence of high excitement, resort to measures which will not bear the test of calm and deliberate inquiry.

The dissolution of the Third Presbytery of Philadelphia is, I think, subject to the same objection, of want of notice and opportunity for defence, and does not call for any further remarks.

Upon the whole, I consider these proceedings as inoperative and void, and I think they will be so declared if any question about property or rights should arise out of them by our judicial tribunals. I think a court of law would treat these irregular proceedings taking place in the highest ecclesiastical tribunal as an absolute nullity; otherwise there would be no redress for the parties aggrieved by them. A party being in the minority, might, at a session not very full, find them-

selves a majority of the quorum present, and, by a summary excision of a number of the opposite party without notice or trial, secure to themselves a majority in future. Mere forms and ceremonies designed to carry out such a plan, such as pledging their clerks, who are mere ministerial officers, to reject the commissions of the exscinded members, will never stand in the way of arriving at substantial justice. They are morning clouds, from which the mist will be dissipated in the sunshine of a court of justice. An act, the effect of which is to operate fraudulently upon the rights of others, whether designed to do so or not, whether it be constructive or actual, will be set aside, no matter what forms and solemnities of proceeding are resorted to to shield it. I am of the opinion that the four Synods and the Presbytery above mentioned are still legitimate members of the Presbyterian Church and under the jurisdiction of the General Assembly, and are entitled to all the rights and privileges, and subject to the duties incident to that relationship.

[E.]

OPINION OF JUDGE HOPKINS.

I. I HAVE heard it suggested that eminent counsel have doubted whether, in the case of the exscinded judicatories, there is not a difficulty about the *remedy*. I take it to be a universal principle, that for every wrong the law supplies a remedy. Or if this can fail at all, it must, I think, be owing to the imperfect organization of courts in some of our states.

Perhaps I ought to explain, that I conceive the civil tribunals can take no cognizance of ecclesiastical questions, except as incidental to questions of property. In that shape they may be compelled to take cognizance of any question not in its own nature objectionable, that can ever possibly be raised.

II. A very prominent point of discussion, in the late convention and General Assembly at Philadelphia, was the constitutional right of repealing the Plan of Union of 1801. I mention this merely for the purpose of explaining, that I do not consider the discussion of it necessary, inasmuch as I think it is superseded by the points which I shall proceed to mention, and which, I think, were not adverted to at Philadelphia. I will merely remark, however, that I conceive that the clause in chap. xii. sec. 6, p. 365, of the Form of Government, has been misunderstood and misapplied.

III. Some of the most beautiful and salutary of all regulations for preserving civil order are those which regard the powers of officers and functionaries who are such *de facto*, and not *de jure*. Without these there could be no safety in life, nor reliance upon any legal guarantee. The legal principle is, in substance, that when a person is in possession of an office, exercising its powers, and claiming to do so of right, the acts of such officer are to be deemed rightful, as regards third persons at least, though he was not truly entitled to the office he held. This principle extends through every department of society, from the highest to the lowest. Thus in England, in the wars between the houses of York and Lancaster, the acts of either king, while on the throne, were held legally binding, so far as their subjects were concerned. Thus in the smallest corporation, if a majority of the members are illegally returned, the acts of those members, after they are ousted by their rivals, bind the body corporate. Thus it is, that when the deed for my house is recorded by the county clerk, I stand in no fear of my title, although the acting clerk was not truly entitled to the office. And thus, too, the acting sheriff, who executes a criminal to-day, is not thereby guilty of murder, although it should turn out that he was unduly elected, and his rival should oust him to-morrow. The same applies to legislative acts, passed by majorities, comprising sitting members, who may lose their seats, when such acts could not have been passed, if the right members had been first returned.

I conceive that this principle contains a conclusive answer to every argument drawn against the exscinded Synods and Presbyteries, on the ground that any of them might possibly be constituted in pursuance of votes, in which some committee men, or unconstitutional delegates may have concurred. Moreover, those arguments prove too much; for if the votes of unconstitutional delegates vitiate the proceedings of synods and presbyteries, they would, on the same ground, vitiate those of the General Assembly itself. I believe that it has even been alleged, that such delegates have had seats in the Assembly, and in this case, and upon this ground, the Assembly itself would thenceforward have become illegal, possessing no higher rightful existence, than it has allowed to the exscinded judicatories.

IV. The idea that the act of excision was merely arbitrary, and adopted without formal accusation, citation, trial, proof, or regular defence, or means of defence, is already fully before the public. But I wish to add one or two considerations: First—the essentials of fair trial on reasonable notice, and with means of defence, are matters of inherent right in every case of this nature, and I apprehend the civil tribunals

would never allow that right to be violated, even if it were not expressly provided for. But, secondly, the Code of Discipline, chap ii., sec. 1, par. 5 and 6, p. 409, is perfectly express on that subject. It both establishes the right of trial, and gives the form of process, and according to those provisions the General Assembly had power to correct all that was disorderly or irregular in those judicatories. And, thirdly, these measures having been neglected, the case will, I think, stand before the civil courts as a simple excision without cause; and in such case the civil tribunals will not at all entertain the question, whether, in fact, there was cause or not. They will consider it sufficient, that no due course of ecclesiastical judicial investigation was adopted, such as the form of government prescribes.

V. Respecting the idea that the formation of the four exscinded Synods was consequent upon the Plan of Union, and that they must fall with the repeal of that Plan, it seems to me that many links in the chain of fact and argument are wanting to make that conclusion a *sequitur*. How do these things appear to be so? for I have seen no particular fact stated. Was the Presbyterian church utterly and for ever precluded from forming particular Churches, Presbyteries and Synods within the undefined limits of what were called new settlements in 1801? Was that prohibition perpetual, or limited in point of time? Was it not possible that one or more churches should be there formed without this leaven of unconstitutionality, or that, having been originally infected with that leaven, they should have purged it out? If there are judicatories still thus infected, does it appear whether they constitute the *majority* or the *minority?* And if a *minority*, is it then a principle that every judicatory containing a *minority* of infected members is for that reason to be cut off? Where would the General Assembly itself be upon that principle? If a *majority*, why have they not long since proceeded as the constitution points out? If within the exscinded judicatories there should be found to exist a single particular church which had a legitimate connection with the General Assembly, and was unimpeachable on any ground of error in doctrine, practice, or organization, it may emphatically be asked, how could such church be cut off *without trial*—how could it be cut off *on trial?* Are we not then driven back to the question of fact, whether they (the exscinded judicatories) were illegally constituted, and to the consequences of that fact, and also to the question of their present state, and have those questions been judicially investigated?

VI. But there is matter apparent upon the very face of the printed form of government, which alone must be sufficient to set this question at rest, without support from any other point. This form of

government was adopted and ratified by the General Assembly in 1821. i. e. exactly twenty years after the Plan of Union. By the list of standing committees at the end of the Form of Government, page 458, it appears that the Synods of Genesee and Geneva were then constituent parts of the Presbyterian church, and were represented in the Assembly of that year. From the minutes of the General Assembly of that year, it appears that sundry presbyteries, which are now a part of the Synod of Utica, were also there represented. In substance and effect, therefore, the three exscinded synods of this State were then constituent parts of the Presbyterian church, and parties to the formation of its present constitution. It follows, I think, as a necessary consequence, that, be the irregularities in constitution, discipline, doctrine, or measures ever so flagrant, the judicatories cannot in any manner be impeached for any of those faults, except on the ground of after-continuance. At the moment of forming that constitution, they were judicatories, acknowledged by the concurrence of all the others to be such in full right—they constituted integral and legitimate parts of the General Presbyterian Church, and, for causes then existing, they were not, nor are more liable to excision, than the original presbyteries of Philadelphia or New York.

But, furthermore, how does it appear that the four exscinded synods embrace all the territory which was meant by new settlements in 1801, and in which the Assembly have now presbyteries? What shall we say of the remaining presbyteries of Ohio, of some in West Pennsylvania, and of several in the Synod of Albany? Why are not these also cut off? And can this question be answered without leaving some imputation of partiality?

SAMUEL M. HOPKINS.

Geneva, 20*th July*, 1837.

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